

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50055 of 2024

Arising Out of PS. Case No.-194 Year-2023 Thana- KURTHA District- Jehanabad

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Rekha Devi Wife of Late Munna Sao R/O Vill.- Bairiya, P.S.- Sampatchak,
Dist.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Archana Kumari Daughter of Late Ramanuj Sao R/O Vill.- Kurtha, P.S.-
Kurtha, Dist.- Arwal

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-08-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Kurtha Police Station Case No. 194 of 2023,
disclosing offences under Sections 376, 34 of the Indian Penal
Code and Sections 4 and 17 of the POCSO Act.

3. As per the FIR lodged on 13.06.2023, the informant
has stated that brother of the informant was having friendship
with co-accused Rahul Kumar and he started visiting the house
of the informant frequently. They developed friendship and in
2019, they went to Kakolat Waterfall where the co-accused



Rahul Kumar made physical relationship with the informant on the pretext of marriage. Informant was said to be minor in the year 2019. Due to physical relationship, victim got pregnant and Rahul Kumar took her to a private hospital and the entire money was spent by mother of Rahul Kumar, father and her aunt (fua).

4. Learned Counsel for the petitioner submits that there is inordinate delay in lodging the FIR inasmuch as the first occurrence had taken place in the year 2019 but the FIR has been lodged after four years in 2023. The allegation of establishing physical relationship on the pretext of marriage is upon the co-accused Rahul Kumar and the only allegation against the petitioner is that she paid the money for abortion of the victim alongwith the parents of co-accused Rahul Kumar. The police after investigation submitted final form exonerating the petitioner from the charges, however, the learned Magistrate differed with the final form and took cognizance against the petitioner.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that police after investigation submitted final form not sending the petitioner for trial and the allegation of establishing relationship is upon co-accused Rahul Kumar, I



am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of her arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge (POCSO), Jehanabad, in connection with Kurtha Police Station Case No. 194 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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