

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66651 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- MAHILA P.S. District- Sitamarhi

Rekha Devi Wife of Dilip Sah Resident of Village - Kharaka Basant, P.O. -
Kharaka, P.S. - Jale, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-12-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 498(A), 379, 376, 504, 506/34 of the Indian Penal Code and Section 3/4 of the D.P. Act.
3. Learned counsel for the petitioner submits that petitioner being the mother-in-law of the informant has been falsely implicated in the instant case by the informant. It is next submitted that the informant alleges that she was married to Rahul on 05.03.2023 and thereafter she was subjected to cruelty as she was not in a position to fulfill the dowry demand of Rs.5 lacs. It is also alleged that Suraj and Krish used to tease and rape



her and on complaint to her husband and mother-in-law they scolded the informant saying that they are her Devars, further the accused persons also gave her medicine for her miscarriage when she was carrying pregnancy of two months out of the wedlock with her husband. Further, the accused persons also pressurized her to do immoral act with other male persons.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant with baseless allegation. It is next submitted that it absolutely does not stand to reason that a mother would allow her own sons to rape her own daughter-in-law. It is next submitted that on the one hand the informant alleges that she was being tortured for not fulfilling the demand of dowry of Rs.5 lacs and on the other hand alleges that her brother-in-laws (Devars) used to rape her. It is next submitted that it is easy to allege rape but difficult to prove. It is further submitted that apart from such bold allegation, there is nothing to connect the allegation of rape by any medical evidence. It is further submitted that petitioner is in custody since 06.07.2024.

5. Learned A.P.P. along with learned counsel appearing on behalf of the informant opposes the prayer for bail of the petitioner but then are not in a position to rebut the



submission of the learned counsel appearing on behalf of the petitioner that there are no medical evidence on record to establish the allegation of rape.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sitamarhi Mahila P.S. Case No.43/2023.

(Satyavrat Verma, J)

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