

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.902 of 2024**

Arising Out of PS. Case No.-130 Year-2023 Thana- KURTHA District- Jehanabad

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1. Rita Devi, Female, aged about 45 years, wife of Sri Harendra Singh,
  2. Harendra Singh, Male, aged about 50 years, son of Rajdeo Singh,  
Both resident of village- Dhamaul, P.S.- Kurtha, District- Arwal
- ... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s :     | Mr. Diwakar Prasad Singh, Advocate |
| For the Opposite Party/s : | Mr. Anil Prasad Singh, APP         |

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**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      24-01-2024                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Kurtha PS Case No.130 of 2023 dated 28.04.2023, instituted under Sections 341, 504, 506, 376 of the Indian Penal Code and section 4 of the Prevention of Children from Sexual Offences Act.

3. The prosecution case, in brief, is that on the alleged date and time of occurrence the daughter of the informant went to the field to defecate where accused, Deepak Kumar, gagged her mouth and took her to a nearby maize field where she was raped and threatened for not disclosing the occurrence to any one. Thereafter, the victim came back to her house and narrated



the entire occurrence and became unconscious. When the informant went to the house of the petitioners to complain about the occurrence, she was threatened.

4. Learned counsel for the petitioners submits that they are innocent and have been falsely implicated in this case. Petitioners are the parent of main accused Deepak Kumar. The allegation of committing rape is against Deepak Kumar. It is further submitted that the police after investigation submitted charge-sheet against Deepak Kumar and the petitioners were not sent up for trial, however, the Magistrate differing with the charge-sheet has taken cognizance against all the three accused persons. It is submitted that Deepak Kumar, son of the petitioners, is in custody. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 6<sup>th</sup> Additional Sessions Judge cum Special Judge,



POCSO Act, Jehanabad, in Kurtha PS Case No.130 of 2023,  
subject to the conditions laid down in Section 438(2) of the  
Code of Criminal Procedure, 1973.

7. The application stands allowed.

**(Khatim Reza, J)**

J. Alam/-

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