

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41531 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- ASARGANJ District- Munger

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1. Usha Devi W/O Yugal Das @ Yugeshwar Das Resident of Village- Sajjua, PS- Asarganj, Dist.- Munger.
 2. Yugal Das @ Yugeshwar Das S/O - Manzoor Das Resident of Village- Sajjua, PS- Asarganj, Dist.- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Kajal Kumari D/O Late Rajesh Kumar Resident of Village- Sajjua, PS- Asarganj, Dist.- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 13-08-2025 Mr. Arvind Kumar Singh, learned counsel for the

petitioners prays for withdrawal of the present anticipatory bail

application on behalf of the petitioner no. 2.

2. Prayer is allowed.

3. Accordingly, the application on behalf of the

petitioner no. 2 is dismissed as withdrawn. The petition now

survives against petitioner no. 1.

4. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

5. The petitioner is apprehending her arrest in a case

registered for the offence punishable under Sections 376, 323,

120B of the Indian Penal Code and Section 4/6 of the POCSO



Act.

6. Allegation in the first information report, arising out of a complaint which was sent for institution of FIR under Section 156 (3) of the Cr. P.C., is that the rape was committed upon the informant by her step grand father twice on 01.10.2023 in the night and subsequently also kept on exploiting her and also threatened her. The allegation against the petitioner no. 1 is that she did not save the informant.

7. Learned counsel for the petitioner submits that it would be apparent from the complaint filed by the complainant/informant herself that specific allegation of committing rape upon her is on co-accused Prem Kumar Das wherein a specific date of 01.10.2023 has been mentioned but the present complaint came to be filed on 24.11.2023. It is further submitted that the allegation against the petitioner no. 1, who is alleged to be the mother of the said Prem Kumar Das, did not try to save her and stated that she was being subject to sexual exploitation but not any assault. It is further submitted that such allegations do not seem to be true and has been filed for extraneous reasons. It is further submitted that the statement of the victim under Section 183 of the BNSS also indicates the fact that it was co-accused Prem Kumar Das who had subjected



her to rape and sexual exploitation.

8. Learned APP for the State has opposed the grant of anticipatory bail.

9. Taking into consideration the fact that the thrust of the allegation is against co-accused Prem Kumar Das and the allegation against the present petitioner, who is a lady, is that she did not try to save her and further there appears to be no medical report on record, let the above named petitioner, who has no criminal antecedents, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Asarganj P.S. Case No. 27 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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