

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38601 of 2025

Arising Out of PS. Case No.-290 Year-2023 Thana- PAHARPUR District- East Champaran

1. Sandhaya Kumari D/o- Rohit Sah Village- Sonwal Uttar Patti ,P.S-Pahar Pur ,District-East Champaran
2. Girija Devi @ Girja Devi W/o- Rohit Sah Village- Sonwal Uttar Patti ,P.S-Pahar Pur ,District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.

For the Opposite Party/s : Mr.Mritunjay Kr. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-09-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Paharpur P.S. Case No. 290 of 2023, registered for the offences punishable under Sections 343, 363, 376, 506/34 of the Indian Penal Code.

3. Allegedly, on 15.07.2023, while the informant was at her house, in the meantime, her neighbour Rohit Sah sent his daughter (petitioner no. 1) to call the informant. When the informant went at the house of Rohit Sah, the said co-accused and his wife asked the informant to go at Dabariya, his sister's house. When the informant showed her inability, all of them tied her mouth with towel and thereupon she was forcibly allowed to



sit on a bike and co-accused Rohit Sah and Suresh Sah took her away. Thereafter, she was kept in the house of one Rajesh Kumar, who has committed rape upon her.

4. Learned Advocate for the petitioners submitted that the entire allegation revolves around co-accused Rohit Sah and further against Rajesh Kumar, who is said to be cousin of the petitioner no. 2. In fact, the police, on being found no complicity of the petitioners, have submitted final form showing them as innocent; however, later on the learned jurisdictional court differing with the final report has taken cognizance for the offences alleged in the FIR against all. The petitioner no. 1 is said to be unmarried lady, whereas petitioner no. 2 is her mother. Even if the allegation is taken to be true, for the sake of argument, no case muchless under Section 376 is made out. The petitioners are lady having fair antecedent and they undertake that they will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that there is serious allegation against the petitioners of participation in the crime and in fact it is these two persons, who have allowed the victim and other co-accused persons to have committed rape upon her.



6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of the role attributed to the petitioners, coupled with the final form not sending them for trial, and the petitioners being lady, having fair antecedent, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 ACJM-9, Motihari, East Champaran in connection with Paharpur P.S. Case No. 290 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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