

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74554 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- MAHILA P.S District- Supaul

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1. Kanchan Devi W/o Reet Lal Sharma R/o Muhalla - Keshav Nagar (Ward no. 9), P.S.- Supaul, Distt. - Supaul
 2. Sarita Devi W/o Shyam Sunder Sharma R/o Muhalla - Keshav Nagar (Ward no. 9), P.S.- Supaul, Distt. - Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Supaul (Mahila) P.S. Case No. 13 of 2024 dated 06.03.2024 registered for the offence/s punishable u/ss 376D, 379, 323 read with section 34 of the Indian Penal Code and 66D and 67 of the IT Act.

3. As per the prosecution case, on 05.02.2024 at 8.00 P.M., when the informant was returning to her *sasural*, the petitioners Kanchan Devi, Sarita Devi, Tuntun Yadav, Sandeep Yadav (co-accused) and four unknown persons were standing by the side of the road. When she reached near them, suddenly,



Tuntun Yadav on the point of *three-not-three (gun)* and the co-accused Sandeep Yadav tied her mouth with *gamachha* and all the accused persons lifted her and took her to a lonely wheat field and all the accused persons committed rape on her one by one and also made video of that occurrence from the mobile and while going from there, the co-accused Tuntun Yadav forcibly took Rs. 30,000/- from her purse and the co-accused Sandeep Yadav took her both ear-rings worth Rs. 40,000/- and they also threatened her to make the video viral, if she discloses about the occurrence to anyone else. She did not disclose the occurrence to any one due to societal fear. It is further alleged that four to five days prior to lodging of the present F.I.R., the petitioners Kanchan Devi and Sarita Devi came to her courtyard (*aangan*) and shown her some video footage and threatened her to establish physical relationship with the accused persons on demand. It is also alleged that after the obscene video got viral, the informant was being assaulted by his relatives, namely, Krishnadeo Sharma and Kritlal Sharma and she has apprehension that she might get murdered by the accused persons.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been



implicated in the present case. It is submitted that the occurrence took place on 05.02.2024 and the F.I.R. has been lodged on 05.03.2024 after a delay of one month for which no explanation has been given by the prosecution which creates serious doubt about the prosecution case. The medical examination of the victim has not been conducted as she denied to be medically examined as no wrong has been committed with her and one month has elapsed also but the Investigating Officer has struck-off the word 'Nahi' without any initial. The petitioners has no any concern with her video. The victim in her statement recorded under Section 164 Cr.P.C., has stated that when the co-accused Sandeep Yadav was committing rape, the other co-accused person was making video and when the co-accused Tuntun Yadav was committing rape the co-accused Sandeep Yadav was making video. She further alleged that thereafter, the co-accused persons sent two videos to the mobile of the petitioners Sarita Devi but the petitioners Sarita Devi and Kanchan Devi have not shown the video to the victim but they have shown to the relatives of the victim. Learned counsel for the petitioners further submits that no such video is available, thus scientific evidence does not support the prosecution case. The real fact is that the informant had illicit relationship with



the co-accused Sandeep Yadav and on the alleged date of occurrence, she came to the field on four wheeler vehicle of the co-accused Sandeep Yadav alongwith Niraj Yadav, Rupan Yadav and Raja Yadav and were doing something in the wheat field and the co-accused was irrigating in his field which is adjoining to the place of occurrence and some one made video and made it viral and the informant has suspicion that the co-accused has made video and do it viral and because of only this reason, he has falsely been implicated in the present case. There are contradictions in the F.I.R., and the statement of the victim recorded under Section 164 Cr.P.C. The petitioners have no criminal antecedent, as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioners and has further submitted that the petitioners along with other co-accused persons have committed rape on the victim. The victim in her statement recorded under Section 164 of the Cr.P.C., has stated that the co-accused persons has committed rape on her with the assistance of the petitioners. The petitioners are ladies.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their



arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Supaul in connection with Supaul (Mahila) P.S. Case No. 13 of 2024, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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