

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57274 of 2015

Arising Out of PS.Case No. -419 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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Somariya Devi W/o Ram Nath Ram resident of village- Chak Haffiz, P.S.
Sadar Hajipur District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kr. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-03-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Hajipur Sadar P.S. Case No. 419/15 for offences alleged under

Sections 376(D), 341, 323, 504, 506/34 of the Indian Penal Code

and Sections 4, 8, 12, 17, 18 of the Protection of Children from

Sexual Offences Act.

The prosecution case, as lodged by the informant,

is that on 16.08.2015 when she came back to her house after

grazing of her shegoat she asked her children to take bath and to

go to see the Bolbum procession and became busy in her

household work. Her children returned, then her daughter Mansi

Kumari, aged 6 years complained of stomach pain. When the



informant enquired she narrated that at about 5-6 O'clock in the evening when she was playing near her house Jaimurat and Sonu uncle came and persuaded her to go towards the tree side and then they removed her pant and inserted their finger. They opened their jeans and sat on her stomach. On 17.08.2015 when she went to complain to the house of Sonu Kumar and Ajay Kumar then all the accused persons including the petitioner started assaulting the informant. When her daughter Puja Kumari came to save her she was also assaulted. They threatened that if she will complain then she will be killed and thereafter she came to the hospital to get their children and herself treated where she has given her fardbeyan on 17.08.2015.

It has been submitted by the learned counsel for the petitioner that she is innocent, has committed no offence and has no criminal history. It has further been submitted that no case under the POCSO Act is made out against her. Furthermore, it has been submitted that the petitioner and the informant are next door neighbours and Gotias and for petty dispute there was altercation between both sides.

However, learned APP for the State submits that the petitioner is named in the First Information Report and opposes the prayer for bail.

Be that as it may, let petitioner, above named, in the event of her arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 419/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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