

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 31947 of 2016

Arising Out of PS.Case No. -57 Year- 2016 Thana -MUSHAHARI District- MUZAFFARPUR

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Asha Devi W/o Raghu Mahato R/o- Village- Prahladpur, P.S.- Mushahari,
District-Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj

For the Opposite Party/s : Mr. Damodar Pd. Tiwari

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 16-08-2016 Heard Sri Manoj Kumar Manoj, learned counsel for
the petitioner and Sri Damodar Prasad Tiwari, learned Addl.
Public Prosecutor.

The sole petitioner, who is lady and is in custody
since 23-06-2016 in Mushahari P.S. Case No. 57 of 2016
registered for the offence under Sections 341, 323, 376/511, 379 &
34 of the Indian Penal Code and Section 8 of Protection of
Children from Sexual Offences Act, 2012 (in short “POCSO
Act”), has prayed for grant of bail.

By way of referring to F.I.R., it was submitted by
learned counsel for the petitioner that it was alleged that
petitioner’s son had tried to commit rape with the minor daughter
of the informant. From the F.I.R., it is evident that at that time, the

petitioner was not present at the place of occurrence and the informant had telephonically called the petitioner and thereafter, it has been alleged that the petitioner abused and assaulted the informant. In any event, it has been argued that there is no case against the petitioner, so far as offence under Section 376/511 of the I.P.C. or under the provision of POCSO Act is concerned. Other allegations are only exaggeration.

In view of facts & circumstances as well as nature of allegation against the petitioner and period of custody, let the petitioner namely Asha Devi be enlarged 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 Special Judge, POCSO, Muzaffarpur in connection with Mushahari P.S. Case No. 57 of 2016.

(Rakesh Kumar, J.)

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