

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.966 of 2019**

Arising Out of PS. Case No.-27 Year-2013 Thana- MAHILA P.S. District- Muzaffarpur

LAKSHMI DEVI Wife of Satendra Jha Resident of Village-Maheshwara P.S.-  
Gaighat District-Muzaffarpur (Ex-Guard Uttar Raksha Grih Gobarshai  
Muzaffarpur P.S. Sadar, District-Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Bhavesh Kumar

For the Respondent/s : Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

**ORAL JUDGMENT**

**Date : 21-05-2019**

Heard learned counsel for the appellant and  
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act against the refusal of prayer for bail vide order  
dated 07.12.2018 passed by learned 1<sup>st</sup> Addl. Sessions Judge  
cum Special Judge, POCSO Act, Muzaffarpur in Muzaffarpur  
Mahila P.S. Case No. 27 of 2013 registered under Sections  
376(C) and 120(B) of the Indian Penal Code, Sections  
4,6,8,10,17 and 18 of the POCSO Act and Sections 3(2)(v)/3(1)  
(XI) of the Scheduled Castes and Scheduled Tribes (Prevention  
of Atrocities) Act.

During the course of inspection of Mahila Uttar



Raksha Grih situated at Muzaffarpur by the informant who happens to be Deputy Secretary of Bihar State Mahila Aayog, she was reported by the inmates of the aforesaid Raksha Grih namely Pinki Kumari and Rina Kumari that they were used to be sent outside the campus for immoral act of sex with some strangers during night and on refusal, Suman Devi (night guard) and Kiran Devi used to thrash them on the order of one Mamta Devi, clerk of the said Raksha Grih. Earlier several inmates have fled away from the Home.

It is submitted by learned counsel for the appellant that the appellant happens to be Ex-guard of the aforesaid Raksha Grih. She has no concern with the aforesaid occurrence. She has been falsely implicated in the case. She has left the service on 15.08.2013 and there is contradiction in the statement of the victim Rina Kumari recorded under Section 164 Cr.P.C. Medical report of the victim does not corroborate the prosecution case. Similarly situated co-accused, namely, Mamta Devi and Kiran Devi have been enlarged on bail by different co-ordinate benches of this court.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that the appellant happens to be Ex-guard of the said Raksha Grih and the victim Rina Kumari in her statement recorded under Section



164 Cr.P.C. has candidly stated that the appellant used to force her to commit immoral act and on not obliging her she used to thrash her tying and did not accord her food. She used to send her outside the campus administering her some intoxicating pills where she used to be subjected to sexual assault. Case of the appellant stands on different footing to that of Mamta Devi and Kiran Devi. Hence the appellant does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected. The appeal is accordingly dismissed.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of receipt/production of a copy of this order fixing the case on day to day basis and S.P., Muzaffarpur is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P., Muzaffarpur by fax for needful.

**(Prakash Chandra Jaiswal, J)**

mantreshwar/-

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| <b>AFR/NAFR</b>          | N.A.F.R.   |
| <b>CAV DATE</b>          | N.A.       |
| <b>Uploading Date</b>    | 23.05.2019 |
| <b>Transmission Date</b> | 23.05.2019 |

