

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41962 of 2019**

Arising Out of PS. Case No.-4 Year-2019 Thana- BUNIYAD GANJ District- Gaya

Kuleshwari Devi, Wife of Chatradhari Prasad Patwa, Resident of Mohalla-  
Pahani Manpur, Laxmi Park, P.S-Buniyadganj, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Ramakant Sharma, Sr. Advocate |
|                          |   | Mr. Rajesh Kumar, Advocate        |
| For the Opposite Party/s | : | Mr. Shailendra Kumar, APP         |

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**04ORAL ORDER**

4      20-09-2019                      Heard Mr. Ramakant Sharma, learned Senior  
Counsel appearing on behalf of the petitioner and the learned  
counsel appearing on behalf of the State.

The petitioner is in custody since 22.01.2019 in connection with POCSO Case No.14 of 2019 arising out of Buniyadganj P.S. Case No.04 of 2019 registered for the offence under Sections 363, 365, 302, 201, 120B, 354, 354B of the Indian Penal Code and Section 8 of the POCSO Act and Section 75 of the Juvenile Justice Act.

Learned counsel for the petitioner submits that the entire allegation against the petitioner is based on mere suspicion and there is nothing on record to indicate that the petitioner was having any illicit relationship with the



informant-Turaj Prasad alias Nima, who is the father of the victim girl, whose dead body was found after a lapse of two days after lodging of the F.I.R. Learned counsel submits that so far as the implication of the present petitioner is concerned, on the basis of mere idle speculation and conjectures and surmises, the police came upon this petitioner and took her into custody and took her self-confessional statement and on the basis of said confessional statement, the petitioner is being prosecuted. It is further submitted that the petitioner has no criminal antecedents and the entire diary does not indicate any material to show that the petitioner was having any illicit relation with the informant-father of the victim girl. The entire prosecution against the present petitioner is not at the hands of the informant or any family member and none of them had taken her name at any point of time. Learned counsel submits that since the petitioner is languishing in jail for nearly nine months, she may be extended the privilege of bail.

Diary in the present case was called for earlier, which has since been received.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that save and except the confessional statement made before the police by the



petitioner, there is no further material in the diary to indicate that there was any illicit relationship between the petitioner-Kuleshwari Devi and the informant-Turaj Prasad as is being made out. It is also submitted that the said Turaj Prasad alias Nima (the informant), who has subsequently been made an accused, has now been extended the privilege of bail in Cr.Misc. No.36772 of 2019, vide order dated 04.09.2019.

Considering the entire facts and circumstances of the case and that the petitioner has got a clean antecedents, let the petitioner, above named, be released on bail on her furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I-Cum-Special Judge (POCSO) Act, Gaya, in connection with POCSO Case No.14 of 2019 arising out of Buniyadganj P.S. Case No.04 of 2019.

**(Anjana Mishra, J)**

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