

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4306 of 2018

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

Kiran Devi @ Kumari Kiran Bala, Wife of Sri Amar Nath Thakur, resident of Mohalla, Banaras Bank Chock, P.S. Town, District Muzaffarpur, at present Mohalla Jail Road, P.S. Mithanpura, Dist, Muzaffarpur

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjana Sinha

For the Respondent/s : Mr.Sri Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 06-03-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 19.09.2018 passed by the learned ADJ 1st -cum- Special Judge, POCSO Act, Muzaffarpur in connection with Mahila P.S. Case No.27/13 registered under Sections 376(c), 120(B) of the Indian Penal Code and Sections 4/6/8/10/17/18 of POCSO Act and Sections 3(2)(5)3(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant who is Deputy Secretary of Bihar State Mahila Aayog, has stated that on inspection of Mahila Uttar Raksha Grih, situated at Muzaffarpur, she was reported by Pinki



Kumari and Rina Kumari (inmates of Mahila Uttar Taksha Grih) that they were used to be sent outside of the campus for immoral act of sex with some strangers during nights and on refusal, Suman Devi (night guard) and Kiran Devi (appellant) used to beat them on the order of one Mamta Devi who is a clerk in the said Raksha Grih. It was also mentioned that earlier several inmates had fled away from the Home.

It has been submitted on behalf of the appellant that she has falsely been implicated in this case. It has further been submitted that medical evidence of the victim girls does not show any evidence of sexual assault. It has further been submitted that statements of victim girls were recorded under Section 164 Cr.P.C. where they have not made even iota of allegation against the appellant rather allegation is made against one Luxmi Devi. Similarly placed co-accused Mamta Devi and Suman Devi have been granted bail by this Court vide order dated 04.04.2014 passed in Cr. Misc. No.6614/14 and vide order dated 14.03.2014 passed in Cr. Misc. No.4358/2018 as contained in Annexure 4 and 5.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like



amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(S. Kumar, J)

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