

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70878 of 2019**

Arising Out of PS. Case No.-501 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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RAUSHAN ARA @ ROSHAN ARA Daughter of Md. Safi @ Safi Resident
of Mohalla - Ganj No. 2, Najni Chowk, P.S.- Bettiah (Town), District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva
Mr. Rakesh Kr. Singh

For the Opposite Party/s : Mr.Ram Anurag Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 04-12-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 6.7.2019 in a case registered for the offences punishable under Sections 346, 366A, 367,370, 370A,372,373,376 and 120B of the I.P.C., Sections 3,4,5,6,7 and 8 of Immoral Traffic Act, 1956, under Sections 4,6,12 and 17 of the POCSO Act, 2012 and under Sections 75 and 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

The prosecution case as per the written report of Punam Kumari, SHO, Mahila Police Station, Bettiah submitted to the SHO, Town Police Station, Bettiah is to the effect that one Sanju Singh being the Member of an NGO submitted her



written information to the Superintendent of Police, West Champaran at Bettiah when the house of the petitioner was raided and several minor and major girls were recovered from the house of the petitioner. It is further alleged that mobile phones and motorcycle were also recovered.

It is submitted by learned counsel for the petitioner that recovery has been made from the joint family house and the victim's age has been assessed between 18-19 years. The victim girls in their statements under Section 164 Cr.P.C. have not alleged any forceful physical relationship and immoral trafficking. Hence, neither the case under Section 376 of the IPC nor under the provisions of Immoral Traffic Act is made out. It is further submitted that petitioner is an old lady. Moreover, other co-accused persons have been granted bail by Co-ordinate Benches of this Court vide Cr. Misc. Nos. 75262,75862,73242,76723 and 76699 of 2019.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that since the petitioner is a lady, hence the major offence under Section 376 of the IPC and the offences under the provisions of POCSO Act is not made out against her, the investigation being concluded and the period in



custody, let the petitioner above named 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 the learned
Ist Additional District and Sessions Judge-cum-Special Judge
(SC/ST/POCSO) Bettiah, West Champaran.

(Dinesh Kumar Singh, J)

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