

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12148 of 2020

Arising Out of PS. Case No.-438 Year-2019 Thana- GAYA MUFASIL District- Gaya

KHUSBU RAI Daughter of Sri Vashisth Narain Rai Resident of Village -
Narayanpur, Kotwan, P.S.- Narhi, District - Balia (U.P.).

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Ras Bihari Thakur, Advocate.
For the State	:	Mr. Anil Kumar, A.P.P.
For the Informant	:	Mr. Saket Anand, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 02-12-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State as also the learned counsel for the
informant, through Video Conferencing.

The petitioner seeks bail in connection with Muffasil
(Gaya) P.S. Case No.438 of 2019 registered under Sections
376(AB) and 120(B)/34 of the Indian Penal Code besides
Sections 6/10 of the POCSO Act, pending in the court of the
Special Judge (POCSO Act), Gaya.

The accusation is that 5 years old female child
Madhuri Kumari was adopted by Mr. Matthew Stephen Taplin
and Mrs. Stacia June Taplin, U.S.A. based citizens, from the
Specialised Adoption Agency (SAA), ECOVIK, Gaya, Bihar.
After adoption, the adoptive parents found some abnormal



movement in the adopted child and, on examination, the adopted child was found sexually harassed. On interrogation, the adopted child disclosed about sexual harassment on her by two persons with the help of ladies. On showing the photographs of the ladies and gents of the Specialised Adoption Agency (SAA), ECOVIK, Gaya, Bihar the female child came in fear. Later on, the persons of the photographs were identified by the informant Rajan Kumar, Assistant Director, Child Care Unit, Gaya, as Poonam, Khusbu Rai (petitioner), Pawan Kumar, Surendra Kumar and Vinod Kumar, the Director of the Specialised Adoption Agency (SAA), ECOVIK, Gaya, Bihar. Admittedly, the petitioner is the Coordinator of the Specialised Adoption Agency (SAA), ECOVIK, Gaya, Bihar.

Learned counsel appearing on behalf of the petitioner submits that at the time of the adoption of the female child, the petitioner was on leave and, on mere suspicion, the petitioner, who is unmarried lady, has falsely been implicated in this case and is in custody since 21.09.2019.

On the other hand, learned A.P.P. for the State opposed the prayer of the petitioner for grant of bail with the submission that it would appear from paragraph-39 of the case diary that on medical examination of the children of the



Specialised Adoption Agency (SAA), ECOVIK, Gaya, Bihar,, one female child was also found physically and sexually harassed after lodging of the present case. Further submission is that the prayer of the co-accused Poonam alias Poonam Kumari Sinha, who is said to be the Social Worker of the Specialised Adoption Agency (SAA), ECOVIK, Gaya, Bihar, for grant of privilege of bail has already been rejected by a Coordinate Bench of this Court vide order dated 20.12.2019 passed in Criminal Misc. No.84713 of 2019.

Having regard to the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to extend the privilege of bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

P.S./-

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