

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10030 of 2020**

Arising Out of PS. Case No.-152 Year-2018 Thana- ATHMALGOLA District- Patna

1. Jawahir Ray, aged about 55 years, Gender – Male, S/o Late Sitab Ray
2. Dhano Devi, aged about 40 years, Gender – Female, W/o Jawahir Ray, both R/o village- Budhara, P.S.- Athmalgola, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

5      08-09-2020                      Heard the parties through the virtual court proceeding.

The petitioner no.2 apprehends her arrest in connection with Spl. (POCSO) Case No.130 of 2018 arising out of Athmalgola P.S. Case No. 152 of 2018 registered for the offences punishable under Sections 366A, 328, 376, 34 of the Indian Penal Code and Sections 6, 8 and 10 of POCSO Act.

The prosecution case is that on 09.07.2018, the informant lodged an information with Athmalgola Police Station stating that the informant passed Matric Examination on 03.07.2018 at 3 O’Clock she went to Athmalgola for filing of admission form on line. There was heavy rush at the booth centre. Therefore, she could not fill up the form. She came on road at waiting for tempo to go her house. In the meantime,



Ranjan Kumar her classmate came by motorcycle. She sat on his mother when she reached in front her house then she asked to stop the motorcycle on which Ranjan Kumar replied that at the time of returning he dropped her at her house and took away her his house. He offered to drink tea on which she replied that she did not take tea but on the request of parents of Ranjan Kumar. She took the tea. Thereafter, she became senseless. At 11.00 p.m., she got her sense and found herself in a room where a lady was present. On enquiry, the said lady told that she was in Dachhinchak village. After some time Ranjan Kumar along with one person came there Ranjan Kumar called the said person as a Raju. Both of them cohabited with her one by one whole night. Next day, both of them took away her Mokama and from Mokama they took away her Howrah by train taking the rail ticket. Where she protested then Ranjan Kumar told that he would solemnize marriage with her. She started weeping on which people gather and aforesaid two persons fled away. She did phone to her mother. Her parents along with villages came there and brought her to her house. She stated about the occurrence to her brother and mother. Her brother went to Dachhinchak and got information that Suresh Rai was the father of Raj Kumar.



Learned counsel for the petitioner no.2 is innocent and she is lady and has falsely been implicated in the present case. He further submits that the mother of the victim stated in the Court that she had no knowledge about the occurrence with her daughter. Police did not take her statement, She was declared hostile. He further submits that after institution of the case, the prosecution party, father of the informant herself found that a false case has been lodged against Ranjan Kumar her parents and Raju Kumar, hence a joint compromised petition was filed in the court of Special Judge, POCSO Act (A.D.J.-I), Patna in the case with the signature L.T.I. of victim, father of the victim Ranjan Kumar, Raju Kumar and the petitioner no.2.

I have perused the record including the case diary. In the statement under Section 164 Cr.P.C., the victim girl supported the prosecution case.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.2, namely, Dhano Devi on bail. Accordingly, the prayer for bail of petitioner no.2 in connection with Spl. (POCSO) Case No.130 of 2018 arising out of Athmalgola P.S. Case No.152 of 2018 pending in the court of



learned Additional District and Sessions Judge-Ist cum Spl. Judge, POCSO, Patna is hereby rejected. However, the petitioner no.2 is directed to surrender before the court below and the learned court below shall dispose of the bail application of petitioner no.2, Dhano Devi on the same day without being prejudiced by this order.

**(Anjani Kumar Sharan, J)**

Nasimul/-

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