

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7797 of 2020

Arising Out of PS. Case No.-470 Year-2019 Thana- BANKA District- Banka

SULOCHANA DEVI W/o Jay Prakash Harijan R/o village- Lilabaran, P.S.-
Barahat, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-06-2020

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Md. Matloob Ram, the learned APP appearing for the State.

The petitioner apprehends her arrest in connection with Banka (Barahat) P.S. Case No. 470 of 2019, for the offence punishable under Sections 363, 366(A), 376(D) of the Indian Penal Code and section 4 of the POCSO Act.

The case of the prosecution in brief is that the minor daughter of the informant was engaged in the work of sewing and on the pretext of getting her a sewing machine, the petitioner is stated to have taken her to Barahat, where the son-



in-law of the petitioner was already present from before and they are stated to have allured her and taken her to Bhagalpur on the pretext that the sewing machine shall be given to her at Bhagalpur. It is alleged that the son-in-law of the petitioner had then taken the daughter of the informant to Bhagalpur from where she was taken to Delhi and at Delhi, 2-3 persons used to sexually abused her after intoxicating her. It is further alleged that after three months, the said persons had engaged the daughter of the informant at the house of a merchant for sweeping and mopping and the money, which used to be given by the said merchant, used to be taken by the said Pankaj Kumar (son-in-law of the petitioner), however, subsequently the victim girl had somehow informed the son of the petitioner at Kolkata and then the daughter of the informant had come to the village.

The learned counsel for the petitioner has submitted that though the incident pertains to the month of November, 2018, but the FIR was lodged after much delay on 09.07.2019. It is further submitted that there is no material in the case diary to implicate the petitioner in the alleged crime and, in fact, the victim girl has refused to either get herself medically examined or to get her statement recorded under



Section 164 Cr. P.C. before the learned Magistrate. It is also submitted that the petitioner is a lady and is having a clean antecedent.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner as also taking into account the materials available in the case diary, it is amply clear that the victim girl has refused to either get herself medically examined or get her statement recorded under section 164 Cr. P. C. before the learned Magistrate and moreover, *prima facie* there is no complicity of the petitioner in the alleged occurrence inasmuch as at best the petitioner can be said to be the mother-in-law of the main accused person namely Pankaj Kumar, hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of



learned Additional Sessions Judge, I, Banka in connection with
Banka (Barahat) P.S. Case No. 470 of 2019, subject to the
conditions as laid down under Section 438(2) Cr. P.C.

(Mohit Kumar Shah, J)

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