

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15276 of 2019

Arising Out of PS. Case No.-96 Year-218 Thana- INDUSTRIAL District- Bhagalpur

Rupam Kumari, D/o Dev Chandra Singh, R/o Pasraha, P.O + P.S.- Pasraha,
District- Khagaria, Bihar.

... .. Petitioner

Versus

1. The State of Bihar
2. Union of India through Special Crime Branch, Patna.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Mr. Surendra Kumar, APP
For the CBI	:	Mr. S.D. Sanjay, Additional Solicitor General Mr. Kumar Priya Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

18 29-06-2020

Heard Mr. Ashok Kumar Jha, learned counsel for the petitioner and Mr. S.D. Sanjay, learned Additional Solicitor General for the CBI via video conferencing.

The petitioner seeks pre-arrest bail in connection with Industrial Area P.S. Case No.96 of 2018 registered for the offences punishable under Sections 75 and 82 of the Juvenile Justice Act, 2015 (for short 'J.J. Act, 2015').

Learned counsel for the petitioner submitted that the prosecution in its entirety has cooked up an artificial story which is based upon false and fabricated facts and findings. He contended that within the resources made available through Juvenile Justice funds, the Boys Children Home in Bhagalpur being run in the name of 'Rupam Pragati Samaj Samiti' has



delivered an optimum performance in term of taking best care of children under the institution. He contended that the petitioner is a law abiding citizen and being a lady she has great stakes in life and the court should take a sympathetic consideration.

On the other hand, Mr. S.D. Sanjay, learned Additional Solicitor General has vehemently opposed the prayer made on behalf of the petitioner. He contended that though the FIR was registered only under Sections 75 and 82 of the J.J. Act, 2015, on completion of investigation, the CBI submitted charge-sheet under Sections 120B, 201, 323, 342 and 377 of the Indian Penal Code, sections 6, 9, 10 and 17 of the Protection of Children from Sexual Offences Act, 2012 and sections 75, 82 and 85 of the J.J. Act, 2015. He has drawn my attention towards various paragraphs of charge-sheet to highlight the gravity of the offences and the serious nature of accusation made against the petitioner.

Keeping in mind the gravity of the offence, Hon'ble Supreme Court vide its order dated 28.11.2018 passed in SLA(c) No.24978 of 2018 handed over investigation of altogether 17 cases including the present one relating to Shelter Homes of Bihar to the CBI and, in course of investigation, it was revealed that co-accused Pravesh Das, the then care-taker



was sexually abusing three minor children, who are differently abled in the premises of Boys Children Home and when it was brought to the notice of the petitioner, the Secretary of the NGO running the Shelter Home, deliberately did not take any action to save vulnerable children from the clutches of illegal acts of Pravesh Das nor did she report illegal acts of Pravesh Das to appropriate authority for taking necessary action against him as also that she herself used to call boys to her living portion through others and engaged them to attend her domestic work like, washing utensils, dusting, moping her house etc. and in case they failed to do so, she used to give them corporal punishment and on completion of the investigation, charge-sheet has already been submitted against her and others before the court inter alia under Sections 6 and 10 of the Protection of Children from Sexual Offences Act, I am not inclined to grant pre-arrest bail. The application is rejected.

(Ashwani Kumar Singh, J.)

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