

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17884 of 2020**

Arising Out of PS. Case No.-98 Year-2019 Thana- TANKUPPA District- Gaya

Rewanti Devi, W/o Brahmadeo Manjhi, Resident of Village- Ramchack, P.S.-
Mohanpur, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shambhu Nath, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-06-2020 This application has been placed for consideration
by the order of the Hon'ble the Chief Justice through virtual
court proceeding.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Tankuppa P.S. Case No. 98 of 2019 registered
for the offences punishable under Sections 363, 365 of the
Indian Penal Code and Section 8/12 of POCSO Act.

Learned counsel for the petitioner submits that from
the First Information Report it would appear that the victim girl
had allegedly been abducted by four persons who were in a
Bolero vehicle, no role has been attributed to this petitioner in
the matter of abduction of the victim girl. The victim girl has



narrated that at one place when the victim girl regained consciousness she somehow opened the glass of the vehicle and came out of that and conceal herself in a shop from where she saw that four persons were washing their hand after taking their meal. It is alleged that at this stage a woman who was there at the shop caught her by her hand and boarded on the bus saying that she would take her to her house. The victim girl had identified the place as somewhere near Wajirganj. At this stage the victim girl alleged that when she came out of the bus at Manjhwe chawk with the said lady, one person also stepped out from the said bus and one lady was found sitting near the road side whom the victim girl disclosed her story whereupon the lady and the person who had stepped out of the bus started fleeing away and they were caught on chase by the villagers.

Learned counsel submits that the whole story as stated in the F.I.R. seems to be highly improbable, moreover this petitioner has neither been named as an abductor nor there is any allegation that she had indulged the victim girl in any wrong act. The medical report of the victim girl has also been enclosed to show that the Medical Officer did not find anything abnormal, the victim girl was aged about 18-19 years and no sign and symptoms present or past intercourse were found.



Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. Learned A.P.P. submits that the allegations are under Section 366 (A) of the Indian Penal Code and those are serious in nature.

Having heard learned counsel for the petitioner and learned A.P.P. for the State as also upon going through the materials available on the record and noticing that the informant who is aged between 18-19 years has not alleged that this petitioner was instrumental in her abduction and/or that the petitioner had compelled her to do any wrong act moreover the medical examination report supports the contention of the petitioner, the petitioner has remained in custody since 14.09.2019, investigation against her is complete and there is no submission on behalf of the State that her release at this stage is in any way likely to interfere with the course of trial or tamper with the evidence, let the petitioner above named be released on bail in connection with Tankuppa P.S. Case No. 98 of 2019 on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO Act), Gaya, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

vats/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

