

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12997 of 2021**

Arising Out of PS. Case No.-367 Year-2020 Thana- BIHIA District- Bhojpur

ASHA DEVI W/o JAYPRAKASH RAM Resident of Village - Karwa, P.S.-
Udwant Nagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Ms.Asha Devi, APP

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

2 16-06-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

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 Bihiya Bahoranpur P.S. Case No.367/2020
registered for the offences punishable under Sections 363, 366
and 376(D) of the Indian Penal Code and Section 4 of the
POCSO Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and she has been falsely implicated in this



case. Learned counsel submits that as per the First Information Report the only allegation against the petitioner is that she had got the daughter of the informant employed for cooking in the nursing home and the allegation of rape is specific against co-accused Vikash Kumar and Satendra Thakur on two different dates.

Learned counsel submits that there is no allegation against this petitioner that she had in any way been instrumental in facilitating the said sexual assault on the daughter of the informant. It is submitted that the petitioner has remained in jail in connection with this case since 28.09.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that so far as present petitioner is concerned, the only allegation against her is that she had got the daughter of the informant employed for cooking in the nursing home, the allegation of rape is specific against co-accused Vikash Kumar and Satendra Thakur on two different dates, the submission being that there is no allegation that this petitioner had in any way been instrumental in facilitating the said sexual assault on



the daughter of the informant, the petitioner has remained in jail in connection with this case since 28.09.2020, investigation against her is complete but the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VIth, Bhojpur at Ara in connection with Bihiya Bahoranpur P.S. Case No.367/2020, 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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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'.

