

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21018 of 2021**

Arising Out of PS. Case No.-19 Year-2021 Thana- DHAKA District- East Champaran

SHAHEEN SABA D/o Md. Murtuza Khan Resident of Village - Dhaka
Ramchandra (Azad Chowk), P.O. and P.S.- Dhaka, Distt.- East Champaran.
... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Pranav Kumar, Advocate
For the Opposite Party/s :		Mr. Amitesh Kumar, APP

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

2 05-08-2021 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 Senior Counsel for the petitioner and
learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Dhaka P.S. Case No. 19 of 2021 registered
for the offences punishable under Section 376(iii) & 34 of the
Indian Penal Code and 4 & 6 of Protection of Children from
Sexual Offences Act, 2012.

As per the prosecution story, the informant alleged
that when she was in Class VIII then the Director Abid Khan
used to call her at his office with the help of this petitioner and
sexually harass her. She has further alleged that in the year 2018

the Director committed rape upon her in his office and threatened her not to disclose anyone otherwise she will have to face serious consequence, thereafter the informant disclosed about the incident to her parents as also her brother. The brother of the informant informed the same to the Maths Teacher and requested to take appropriate action.

Learned Senior Counsel for the petitioner submits that from a bare reading of the First Information Report it would appear that the thrust of the allegations are against the co-accused Abid Khan, this petitioner is said to be the sister of the co-accused and according to the petitioner there was a dispute between her brother and math teacher over engagement of the petitioner as Principal of the Institute.

Learned Senior Counsel submits that in any case the reading of the F.I.R. itself would give an impression that this petitioner had never been actively involved in the alleged occurrence and at this stage when she has remained in jail for more than seven months, the petitioner deserves privilege of bail.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, however considering the facts and circumstances of the case wherein this court has

noticed that the entire allegation of commission of overt act is against co-accused and not against this petitioner, in the medical examination the medical board has assessed the age of the victim in between 18-19 years and allegation itself is coming after about two years from the first date of the alleged occurrence, the petitioner being a lady and investigation against her is complete, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Motihari, East Champaran, Bihar, in connection with Dhaka P.S. Case No. 19/2021, 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 she 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)

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'.