

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28127 of 2020

Arising Out of PS. Case No.-35 Year-2018 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Swasti Keshari, aged about 38 years, female, W/o Chandrashekhhar Kumar Kesari, Resident of Village- Akhalaspur, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Central Bureau of Investigation (C.B.I), Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Tribhuwan Narayan, learned counsel for the petitioner and Mr. Amitesh Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Bhabua Mahila PS Case No.35 of 2018 dated 02.06.2018, instituted under Sections 341/323/354/504/34 of the Indian Penal Code and 12 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the 'POCSO Act').

3. The allegation against the petitioner is that during



investigation by the Central Bureau of Investigation with regard to the Short Stay Home at Kudra, where she was Rehabilitation-Training Officer (RTO) and living twenty-four hours, despite receiving complaints about the Security Guard sexually assaulting and harassing the inmates, neither she did take any action nor informed the superior officers.

4. Learned counsel for the petitioner submitted that there is no allegation of any wrong doing against the petitioner and it is against the Security Guard. It was further submitted that the petitioner is not responsible for running of the Short Stay Home.

5. Learned APP submitted that under the POCSO Act, any person, who has information about any offence under the said Act and not reporting it to the authorities concerned, is equally liable to be prosecuted. It was submitted that the petitioner being an officer and staying in the Short Stay Home and despite complaints coming to her, neither any action being taken by her nor such information being passed to superior officers, clearly indicates that she was also involved in covering up the matter.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the



Court is not inclined to grant pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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