

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43030 of 2021

Arising Out of PS. Case No.-59 Year-2019 Thana- RAJPUR District- Rohtas

PUJA DEVI, aged about 27 years, Gender-Female, W/o Shushil Gupta, D/o Umesh Sah, Resident of Village - Rajpur, P.S. - Rajpur (Nasriganj), District - Rohtas.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwari, Advocate
For the Opposite Party : Mrs. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-12-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

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

The petitioner is languishing in custody since 17.06.2019 in connection with Rajpur P.S. Case No. 59/2019 (POCSO 88/2019) registered for the offence under Sections 302, and 201/34 of the I.P.C. Later on, Section 376 of the I.P.C. and Sections 4 and 6 of the POCSO Act were also added.

The prosecution story, in brief, is that the accused persons including the petitioner killed the daughter of the informant and tried to dispose of her dead body.



Earlier the bail application of the petitioner was rejected vide Cr. Misc. No. 57346 of 2019 under order dated 27.11.2019 by this Court, annexed as Annexure-1 to the present application, taking into account that the petitioner happens to be the step-mother of the deceased and as per Section 106 of the Evidence Act, the onus was upon the petitioner to explain the cause of death of the deceased and commission of rape.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.06.2019 and she has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Charge has already been framed in this case. It has been submitted that the informant of the case has been examined vide Annexure-4 to the present application. It has further been pointed out that the informant has been declared hostile by the prosecution. The informant has retracted from his earlier statement made in the F.I.R. The petitioner is in custody since 17.06.2019.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, the petitioner above named, is directed to be released on bail on



furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Ist Additional District and Sessions Judge, Rohtas at Sasaram in connection with POCSO Case No. 88/2019 (arising out of Rajpur P.S. Case No. 59/2019).

The petitioner is further directed to co-operate during the trial. The petitioner is directed to appear on each and every date fixed by the trial court. If the petitioner fails to appear on two consecutive dates during the trial, learned court below will be at liberty to cancel the bail bond of the petitioner.

(Sudhir Singh, J)

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