

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6145 of 2021**

Arising Out of PS. Case No.-42 Year-2020 Thana- MAHILA P.S. District- Vaishali

Sangita Devi Wife of Sant Lal Sah Resident of Village - Maudah Bujurg, P.S.-
Patepur, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Verma, Advocate
	:	Ms. Bela Singh, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Sharma, APP

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

4 29-07-2021 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 Vaishali Mahila P.S. Case No. 42 of 2020 registered for the offences punishable under Sections 376, 34, 504 and 506 of the Indian Penal Code and Section 3/4 of the Protection of Children from Sexual Offences (POCSO) Act.

As per the prosecution story this petitioner along with her daughter had forcibly induced the victim girl to have sexual relationship with the co-accused. The victim girl was medically examined and she was found carrying a pregnancy of eight

months. Later on she has given birth to a female child.

Learned counsel for the petitioner submits that there is strong contradiction in the statement of the victim girl in the F.I.R. if compared with her statement under Section 164 Cr.P.C. Learned counsel submits that this petitioner has been falsely implicated in this case because the family members of the victim girl had taken some money from the family member of the petitioner which they did not want to return and for that reason the petitioner has been implicated in this case. Learned counsel has further informed this Court that in this case trial has already begun and about six witnesses have been examined so far. He is, however, not aware of as to how many charge-sheet witnesses are there. Learned counsel submits that the matter may be adjourned to enable him to file a supplementary affidavit to place on record the deposition of the witnesses who have deposed in course of trial so far.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. Learned A.P.P. submits that victim girl is minor and both in the F.I.R. as well as in her statement under Section 164 Cr.P.C. she has made serious allegations against this petitioner. The trial is also at the fag end, therefore, there is no point in granting adjournment at this stage.

Considering the facts and circumstances of the case, the seriousness of the allegations and the materials before this Court

as also the fact that the trial has already begun and a good number of witnesses have been examined in course of trial, this Court is not inclined to either adjourn the matter or to release the petitioner on bail at this stage. The prayer for bail is refused.

Let the trial be expedited.

Since the trial has already proceeded with the examination of the witnesses, it is expected that the trial be concluded as early as possible preferably within a period of six months from the date of start of normal functioning of the court. The learned trial court shall fix the case on day to day basis. Prosecution must cooperate in early disposal of the case by producing all the witnesses. No unnecessary adjournment shall be granted to the either parties.

If the trial still remains unconcluded for no reason attributable to the petitioner, she may renew her prayer for bail.

This application stands disposed of accordingly.

(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'.