

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14623 of 2021

Arising Out of PS. Case No.-8 Year-2019 Thana- C.B.I CASE District- Patna

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KUMARI BABITA SRIWASTAVA, Wife of AShok Kumar Verma Resident of Gulab Bag Bettiah, Ward No. 33, P.S. - Town Bettiah, District - West Champaran. At Present Resident of Mohalla - Belbanwa, P.S. - Town Motihari, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Central Bureau of Investigation Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar
For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-01-2022 Heard Mr. Ranjeet Kumar, learned advocate for the petitioner and Mr. Bipin Kumar Sinha, learned counsel for the CBI.

The petitioner seeks bail in anticipation of her arrest in connection with CBI Case No. Patna CBI/SCB/Patna 2019 RC0922019S0008 dated 16.01.2019, instituted for the offences under Sections 341, 342, 323, 504 and 34 of the Indian Penal Code; Section 8 of the POCSO Act, 2012; and Section 75 of the Juvenile Justice (Care and Protection of Children)



Act, 2015.

The learned advocate for the petitioner has informed this Court that initially a police case was registered against the employees and the owner of the "Short Stay Home" which was being run by an NGO named "*Sakhi*". Later, under the directions of the Hon'ble Supreme Court, the CBI took up the investigation and investigated 10 of the inmates of the Short Stay Home, referred to above. One out of the 10 inmates has alleged that she was administered a tablet by the petitioner and another which she was made to understand was for her health benefits. However, the same was a deleterious substance which caused unconsciousness to her and she was later subjected to sexual misdemeanors.

While canvassing for bail, the learned advocate for the petitioner has submitted that she was posted as Rehabilitation and Trainee Officer in the NGO named "*Sakhi*" for about six months. Within the aforesaid



period, no complaint was ever lodged against her. Out of the 10 inmates who were interrogated, only one has made statement against the petitioner and another.

At the time of investigation, the victim was carrying pregnancy.

The learned advocate for the petitioner has submitted that for all this while, the petitioner has participated and cooperated in the investigation.

It has been urged that because of her brief stay as an Officer in the aforesaid NGO and her being a lady, she ought to be granted anticipatory bail with the caveat that she shall participate in the trial. She is ready to cooperate in the trial.

But considering the nature of accusation against the petitioner, which is a matter of grave concern as noted by the Supreme Court, I am not inclined to grant anticipatory bail to her.

The prayer for anticipatory bail is rejected.

Should the petitioner surrender before the court



below and seek bail, it shall be considered on its own merits, taking into account the grounds urged before this Court and an order shall be passed, without being prejudiced by the fact that the present petition on her behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

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