

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7156 of 2022

Arising Out of PS. Case No.-182 Year-2021 Thana- PIPRA District- Supaul

Maya Devi Wife Of Late Awadh Sharma @ Avdh Sharma Resident Of Village
- Jarouli, P.S. - Pipra, District - Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Md. Shakir AhmadAPP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with POCSO Case No. 45 of 2021 arising out
of Pipra P.S.Case No. 182 of 2021 registered for the
offences punishable under Sections 368, 376D, 120B of the
Indian Penal Code and section 4/17 of POCSO Act.

As per the prosecution case, it is alleged that the
petitioner along with co-accused Urmila Devi by alluring
two minor girls taken away from Supaul and got them
indulged in flesh trading. It is next submitted that both the



minors were raped by co-accused Santosh Kuamr @ Pintu, Ramanand Kumar and Rajendra Sharma.

It is submitted by the learned counsel for the petitioner that with regard to the occurrence which is said to have taken place on 30.06.2021 the FIR has been instituted on 02.07.2021 without assigning any reason for delay. It is next submitted that from perusal of the FIR the prosecution story appears to be absurd and false that the girls who were aged about 19 and 14 years respectively, they have been taken to Motorcycle and, thereafter, they were brought in a hotel and thereafter, committed rape and they returned from bus but both the girls never raised any hue and cry though, throughout all the journey they went through public places. It is further submitted that the petitioner is a lady having fair antecedent and she is in custody since 03.07.2021, though investigation has already been completed and the charge sheet has been submitted. It is next submitted that so far as specific allegation of committing rape is concerned, the same has been attributed against other co-accused persons.

On the other hand, learned counsel for the State



opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the nature of allegation against the petitioner and delay in lodging of the FIR, apart from the petitioner being lady having fair antecedent and is in custody since 03.07.2021 and moreover, investigation is completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-VI-cum- Special Judge, POCSO, Supaul in connection with Pipra P.S.Case No. 182 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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