

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11264 of 2022

Arising Out of PS. Case No.-73 Year-2021 Thana- MAHILA PS District- Buxar

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BINDU DEVI W/o Bharat Prasad Resident of Village - Barki Sarimpur, Ward
No. 9, P.S. Buxar (Ind), District – Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 19-09-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed
within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences
punishable under Section 376 of Indian Penal Code and Section
4/6 of POCSO Act.

According to prosecution case, on the basis of statement
made by victim before committee on 10.09.2021 lodged the
present case in which the victim stated before committee that one
Dinesh Mallah committed rape on her with the help of her own
mother (petitioner) and her mother also loves the accused Dinesh
Mallah. It is further stated that when she objected, both of them
assaulted her. It is further alleged that her mother gave her Pepsi
with wine and thereafter she does not know what happened. It is
further alleged that in the month of August, Dinesh established
physical relation.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is lady and the allegation against the petitioner is that she is in affair with one Dinesh Mallah is absolutely absurd and not believable because the petitioner is herself a mother of three daughters. He further submits that the trial of the case is going on and number of witnesses have already been examined.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that in fact the petitioner is mother of the victim and she was instrumental of the present occurrence and the statement of victim was recorded under Section 164 of the Cr.P.C., in which she has supported the allegation as alleged in the F.I.R.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Buxar (Mahila) P.S. Case No. 73 of 2021 pending in the court of learned A.D.J. VI-cum-Special Judge, POCSO, Buxar.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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