

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28059 of 2022

Arising Out of PS. Case No.-16 Year-2020 Thana- MAHILA P.S BAGHA District- West
Champaran

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1. Praduman Sharma S/o Late Ramchandra Sharma,
 2. Premsheela Devi, W/o Praduman Sharma,

Both are Residents of Village- Kotraha, P.S.- Balmiki Nagar, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha, Advocate
For the Opposite Party/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in
connection with Bagha Mahila P.S. Case No.16 of 2020,
registered for the alleged offence under Sections 341, 323, 376,
315, 506, 34 of the Indian Penal Code, Section 4 of POCSO Act
and Section 3 (2) (v) of SC/ST Act.

As per the prosecution case, the victim girl, who is
daughter of the informant, was working in the house of the



petitioners as maid servant where she was raped by co-accused Suraj Kumar, the tractor driver of the petitioners and she became pregnant and her pregnancy was aborted by the petitioners and the co-accused Suraj Kumar. Further allegation against the petitioners is that they threatened the victim girl not to tell about the rape and subsequent events to any person. Thereafter, a Panchayati was held but the matter did not pacify and this criminal case has been filed.

The learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case as it is apparent from the FIR that the pregnancy of the victim girl was aborted when she was carrying pregnancy of five months, but it is not believable that this fact would not come to the notice of the family members of the victim girl. During medical examination, the age of the victim girl was assessed to be 18-19 years. So she was not a minor. In the statement recorded under Section 164 Cr. P.C., there is only allegation against the petitioner no.2 Premsheela Devi that she administered some drugs to the victim saying it to the medicine for corona virus and except this, nothing material came up against the petitioners. The police completed investigation and submitted final form, but the learned court below took



cognizance against the petitioners. The other co-accused persons including the person who is said to have committed rape with the victim girl have already been granted bail in Cr. Misc. No. 47761 of 2021, Cr. Misc. No. 35356 of 2021 and Cr. Appeal (SJ) No. 2097 of 2021 by different Coordinate Benches of this Court. The petitioners are in custody since 06.03.2022.

Learned APP opposes the prayer for bail made on behalf of the petitioners submitting that the petitioners have been named in the FIR and they were instrumental in concealing the fact of rape.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of allegation which is not supported by cogent material and likelihood of false implication and further considering the grant of bail to other co-accused persons and also considering the submission of final form against the petitioners and their period of custody, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VII-cum-Special Judge, POCSO, Bettiah, West Champaran, in connection with Mahila



Bagha P.S. Case No. 16 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

