

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36430 of 2022

Arising Out of PS. Case No.-150 Year-2021 Thana- SUPPI District- Sitamarhi

JAYLASH DEVI @ RUPAULI BALI W/O LAXMAN MANJHI Resident of
Village-Gamharia, Police Station-Suppi, District-Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 363, 366A, 34
of the Indian Penal Code, Section 8/10 of the POCSO Act, in
connection with Suppi P.S. Case No. 150 of 2021.

As per the prosecution story, Kamlesh Raut, the
informant lodged the FIR stating that while working in Punjab,
he got information that Sonapatti Devi and Rekha Devi had
taken his daughter who has not since returned. The further
allegation against the petitioner is that upon enquiry they started
abusing them. Later, it came to notice that the petitioner's son
had taken away his daughter.



Learned counsel for the petitioner submits that a bare perusal of the learned Sessions Judge order would show that the informant's daughter and the son of the petitioner have married each other and leading a marital life. It is his further submission that contrary to the allegation made by the informant, as per the medical report, the girl has been found to be between 17 to 19 years of age. He lastly submits that the petitioner being mother had no role to play in the alleged marital life of her son and the daughter of the informant she is in custody since 5.3.2022.

Taking into account the aforesaid facts that the petitioner is a lady, mother of the Pawan Manjhi who is leading a marital life with the victim girl, is in custody since 5.3.2022 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-VI cum Special Judge (POCSO), Sitamarhi, in connection with Suppi P.S. Case No. 150 of 2021 subject to the following conditions:

- (i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail her cancellation of bail by the Trial Court itself;

(iii) she shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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