

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43739 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- MAHILA PS District- Buxar

1. Nirmala Devi @ Singh Nirmala Devi Dayal W/O Vinod Kumar Singh
Resident of Village, Post and P.S.- Rajpur, District- Buxar.
2. Manju Devi W/O Sanjay Singh Resident of Village- Akodi, P.S.- Rajpur,
District- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Shraddhanand Paswan, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2022 The learned counsel for the petitioners is directed

to remove all the defects pointed out by the Stamp Reporter

within one month.

Heard learned counsel for the petitioners and the

learned APP for the State.

Petitioners seek regular bail in connection with Buxar

Mahila P.S. Case No. 33 of 2022 registered for the offences

punishable under Sections 376(D), 323, 120(B) and 34 of the

Indian Penal Code and Section 4 of POCSO Act.

As per the prosecution, the informant and informant's

sister were raped by her own father (Vinod Kumar Singh) and

one co-accused (Ajay Kumar Gupta) wherein these petitioners



helped the above named accused persons in committing the offence of rape. Further it is alleged that the victims were raped in unconscious state which continued for almost three years and on protest they were assaulted and tortured physically and the victims' father (Vinod Kumar Singh) also had relation with the victims' aunt (Mausi).

The main submissions advanced by the learned counsel Mr. Dr. Shraddhanand Paswan appearing for the petitioners are that both the petitioners are innocent and they have been falsely implicated in this case on the instance of Jailal Singh which is apparent from the statements of witnesses recorded in the investigation, in fact the said Jailal Singh sexually assaulted the victims when he was staying in Chourasia lodge with the victims and in this regard the statement of Rajesh Chourasia who is the owner of the said lodge is relevant and against the petitioner No. 2 who is sister of the mother of the victims there is no any other allegation and the alleged offence under Section 376(D) of the Indian Penal Code is not made out against the petitioner No. 1 and as per the FIR the alleged occurrence of sexual assault started taking place since the year 2012 but the FIR was lodged in the year 2022 and both the petitioners who are woman have been languishing in jail since



20.05.2022.

Learned APP Mr. Shailendra Kumar Singh appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR. There is a serious allegation of sexual assault committed by the husband of petitioner No. 1 and other person namely Jailal Singh and both the victims are stated to be daughters of petitioner No. 1 and co-accused Vinod Kumar Singh and according to the allegation co-accused Vinod Kumar Singh and Ajay Kumar Gupta started establishing sexual relationship with the victims when they were below 10 years of age and while committing the said sexual assault the victims were being administered some type of medicine and in the state of victim's intoxication the accused established the said relationship. As per the allegation, both the petitioners helped the main co-accused persons in the alleged act of sexual assault and from the facts of the FIR there is a serious allegation against them and the co-accused persons committed rape on the victims, who are daughters of petitioner No. 1 and co-accused Vinod Kumar Singh, for a long period of 7 years. Considering the nature of the allegation, in the opinion of this Court both the petitioners do not deserve to the privilege of bail. Accordingly, their prayer for bail stand rejected.



The trial Court is directed to expedite the trial of the petitioners if the same is commenced and take steps to conclude the same in the next 9 months.

(Shailendra Singh, J.)

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