

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54039 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- MAHILA PS District- Buxar

SANGITA DEVI W/o Dhanji Ram Resident of Village - Sakhuana, P.O.-
Kanehari, P.S.- Rajpur, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Pd., Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 25-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Pradhan Murli Manohar Pd., learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Buxar (Mahila) P. S. Case No. 41 of 2021 giving rise to POCSO Case No. 24 of 2021 registered for the offences punishable under Sections 147, 341, 323, 342, 376(D), 379, 506 120(B) of the Indian Penal Code.

As per the prosecution case, it is alleged that on 19.06.2021, when the victim went to attend marriage ceremony,



in the meantime, this petitioner had called her and when she came, the petitioner locked her in a hut. It is further alleged that after some time, other F.I.R. named accused persons, who happen to be *gotiya* of the victim entered into the hut and made some bare video of her and also threatened that it shall be made viral on social media. It is next alleged that co-accused Sanjay Ram committed rape upon her and other co-accused persons snatched ornaments and fled away.

Learned counsel appearing on behalf of the petitioner submitted that in fact, both the informant and the petitioner along with other co-accused persons are *gotiya* and there is dispute between them and only because of such dispute, she has been made accused in this case. It is next submitted that the statement of the victim was recorded under Section 164 Cr.P.C. wherein, she has not taken the name of the petitioner. It is also submitted that the victim was examined by the doctor and neither any injury has been found over her body nor any sign of recent sexual intercourse was found. It is also submitted that the age of the victim has been assessed in between 16 to 17 years. It is last submits that the petitioner is a lady and having fair antecedent, is in custody since 10.06.2021.

On the other hand, learned counsel for the



informant vehemently opposes the bail application and submits that there is specific allegation that she called the victim and locked her in the hut and thereafter, all the accused persons have committed wrongful act with the victim.

Learned APP for the State also opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation as also the fact that the petitioner is a lady and moreover, she is in custody since 10.06.2021, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Spy Judge, POCSO Act, Buxar in connection with Buxar (Mahila) P. S. Case No. 41 of 2021 giving rise to POCSO Case No. 24 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain present on each and every date of trial till disposal of the case.



- (iii) She 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, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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