

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57346 of 2021

Arising Out of PS. Case No.-131 Year-2020 Thana- MAHILA P.S. District- Patna

Putul Devi W/O Akash Kumar R/O Village-Pahleja Sahpur Diyara, P.S-
Sonpur, District-Chhapra (SARAN).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 19-09-2022 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. Jay Ram Prasad, 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 Patna Mahila P. S. Case No. 131 of 2020
giving rise to Special (POCSO) Case No. 199 of 2020 registered
for the offences punishable under Sections 376 D and 120 (B) of
the Indian Penal Code and Sections 6/8 of the Protection of
Children from Sexual Offences Act.

As per the prosecution case, it is alleged that five



months ago co-accused Chandan Kumar came in her house as a renter and having found her alone in the house, he forcibly committed rape upon her and thereafter, also made video of the same and after giving her threatening to make the video viral, he used to commit rape upon her along with 10-12 other persons. It is also submitted that 5-6 days ago, one another renter, namely, Putul Devi (the petitioner) took the victim at lonely place in a hut situated near a forest where 10-12 persons again committed rape upon the informant. She further alleged that the petitioner was also raped by the persons present there.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it would be evident that specific allegation of commission of rape is attributed against co-accused Chandan Kumar. So far this petitioner is concerned, it is alleged that she being one of the renter took her to a lonely place, where other persons committed rape upon her but surprisingly, the commission of rape has taken place 5-6 months ago but no complaint has made at that point of time. It is further submitted that from the F.I.R., it is also evident that the petitioner was also subjected to rape along with the informant but the injury report as contained in annexure-2 does not support the allegation of commission of rape allegedly by



10-12 persons. It is next submitted that the petitioner being lady is in custody since 19.11.2020.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against the petitioner that she took away the victim to a lonely place, where she was subjected to rape at the hands of 10-12 persons.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner being lady, is in custody since 19.11.2020, apart from the fact that the delay in lodging of the F.I.R., 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-Special Judge, POCSO Act, Patna in connection with Patna Mahila P. S. Case No. 131 of 2020 giving rise to Special (POCSO) Case No. 199 of 2020, 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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