

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55263 of 2021

Arising Out of PS. Case No.-122 Year-2018 Thana- MASAUDHI District- Patna

DEVANTI DEVI W/o Late Kariman Manjhi Resident of Village - Charma
(Musahari), P.s.- Masaurhi, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suryakant Kumar, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-05-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 363 of the Indian Penal Code to which sections 376, 366A, 372, 373, 323 and 34 of the Indian Penal Code and sections 4, 8 and 12 of the POCSO Act was added subsequently.

As per the prosecution case, it is stated by the informant that on returning home they found their 14 year old daughter missing. On making enquiry in the neighbourhood it transpired that it was the petitioner who had taken her along with her.

It is submitted by learned counsel for the petitioner that the petitioner is a poor old lady who has falsely implicated



in the case. At best only a suspicion has been raised against her. No material has transpired in course of investigation to connect her with the alleged crime. She is in custody since 13.3.2021 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and on perusal of the material it transpires that the daughter of the informant returned and her statement was recorded under section 164 Cr.P.C. wherein she has categorically named the petitioner that she took her along, forcibly married her to coaccused Vijay Yadav who committed rape on her several times and she was sold for Rs.60000/.

Taking into consideration the facts of the case specially the statement of the victim under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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