

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9363 of 2021

Arising Out of PS. Case No.-36 Year-2019 Thana- MAHILA P.S. District- Rohtas

1. Jiyanand Sah, aged about 62 years, Male, S/O Dhanbishu Sah, R/O Village-Karwa, P.S-Ara Muffasil, District-Bhojpur.
2. Ramjeet Sah, aged about 35 years, Male, S/O Jiyanand Sah, R/O Village-Karwa, P.S-Ara Muffasil, District-Bhojpur.
3. Geeta Devi, aged about 39 years, Female, W/O Ram Kishun Sah, R/O Village-Dariyapur, P.S-Udwant Nagar, District-Bhojpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ravindra Kumar, Advocate
For the Opposite Party	:	Mrs. Madhuri Lata, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-05-2022 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application on behalf of petitioner no. 1, namely, Jiyanand Sah and petitioner no. 2, namely, Ramjeet Sah, as they have been taken into judicial custody in connection with POCSO Case No. 11 of 2020, arising out of Rohtas Mahila P.S. Case No. 36 of 2019, pending



in the court of learned Additional District and Sessions Judge-
VI-cum-Exclusive Special Court, POCSO, Rohtas at Sasaram.

Permission is accorded.

Accordingly, the present anticipatory bail application
filed on behalf of petitioner no. 1, namely, Jiyanand Sah and
petitioner no. 2, namely, Ramjeet Sah, is dismissed as
withdrawn.

Now, the petitioner no. 3 is apprehending her arrest in
connection with POCSO Case No. 11 of 2020, arising out of
Rohtas Mahila P.S. Case No. 36/2019 for the offence registered
under Sections 376, 504, 506/34 of the I.P.C. and Section 4 of
the POCSO Act.

The prosecution story, in brief, is that the victim was
alone at her home and on 03.05.2019, Geeta Devi (sister-in-law
of her elder sister) (petitioner no. 3) came and told the victim
that she will get her married to his son co-accused Uday Kumar
and she took the victim with her and thereafter she sent the
victim with co-accused Uday Kumar. Thereafter, co-accused
Uday Kumar established sexual relationship by committing rape
on her for eight days and thereafter on 11.05.2019, she was
boarded on a *Train* and she came back at Arrah Railway Station.
On 13.05.2019, the father, maternal uncle (Mama) and grand



father (Nana) of co-accused Uday Kumar, namely, Ram Kishun Sao, co-accused Ramjit Sao and co-accused Jiyanand Sah took to their house and they gave threatening to the victim to tell her father that she will not perform marriage with co-accused Uday Kumar otherwise they will kill the victim and her father. Hence, the F.I.R.

It has been submitted by learned counsel for the petitioner no. 3 that she has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against her. She has falsely been implicated in the present case. The date of occurrence is said to be 03.05.2019 and the case was instituted on 14.05.2019 i.e., approximately after twelve days of the alleged occurrence. Delay has not been explained by the prosecution. A petition has been filed on behalf of the victim in the learned court below where she has retracted from her earlier statement made in the F.I.R. The said petition filed by the victim is Annexure-3 to the present application.

On behalf of the State, it is submitted that the petitioner no. 3 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner no. 3 above named, (except petitioner no. 1, namely, Jiyanand Sah and petitioner no. 2, namely, Ramjit



Sah) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VI-cum-Exclusive Special Court, POCSO, Rohtas at Sasaram, in connection with POCSO Case No. 11 of 2020, arising out of Rohtas Mahila P.S. Case No. 36 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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