

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62878 of 2021

Arising Out of PS. Case No.-229 Year-2021 Thana- BIKRAMGANJ District- Rohtas

REKHA DEVI W/o Late Krishna Singh @ Rupchand R/o Mohalla- Dhangai,
Ward No. 10, P.S.- Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ansul
	:	Mr.Praveen Kumar
For the Opposite Party/s	:	Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with POCSO
Case No. 43/2021 arising out of Bikramganj P.S. Case No.
229/2021 registered for the offences punishable under Sections
302, 370, 376(B, 120(B)/34 of the Indian Penal Code and
Section 4 / 6 of the POCSO Act and Section 3 of Immoral
Trafficking (Prevention) Act.

As per prosecution case, the informant received a
phone call from the mobile phone of her minor daughter in the
morning about the suicide of her daughter. She rushed to
Bikramganj (Nartaki Mohalla) and found that the dead body
was caused to disappear by the accused. She further alleged that



the petitioner and others had conspired in the murder of her minor daughter. She has also alleged that the accused persons including the petitioner were forcibly trying to involve the victim in the illegal work of sex trade. She has also alleged that her minor daughter used to communicate these things on mobile phone to her and they had also restrained her from meeting, with her mother and had taken the victim to Mumbai Dance Bar for illicit trade.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case as being Fua of the deceased. The petitioner is languishing in custody since 21.07.2021 and bears no criminal antecedent. There is nothing on record that the informant has raised any grievance of the allegation prior to present case before any police station. He further submits that from bare perusal of the FIR, it appears that the informant has raised suspicion against the accused persons including the petitioner that they conspired in order to commit murder of her daughter. None of the ingredients of Sections 370 and 376(D) of the I.P.C. is attracted against the petitioner in the facts and circumstances of the present case. During course of investigation, the police also found the case of suicidal, accordingly charge sheet was



submitted under Section 306 of the I.P.C. The victim had love affairs with Sagar Kumar but later on, he betrayed which resulted severe mental tension to the victim leading to cause her suicide. He further submits that the informant left away the house of her husband Shankar Nut when the victim was in age of 2 years and the informant solemnized marriage with another person namely, Bhanu Prata Singh. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional District and Sessions Judge cum Exclusive Special Court (POCSO) Act, Rohtas at Sasaram, in connection with POCSO Case No.



43/2021 arising out of Bikramganj P.S. Case No. 229/2021,
subject to following conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the
witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

