

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65943 of 2021

Arising Out of PS. Case No.-407 Year-2020 Thana- MUFFASIL District- West Champaran

Somari Devi W/O Sri Prabhu Patel R/o village- Mathiya, P.S.- Bairiya,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual court proceedings.

Petitioner seeks bail in a case registered for the offences punishable under Sections 376 of the Indian Penal Code, Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), and ³/₄ of the Dowry Prohibition Act.

As per prosecution case, in brief, on 06.07.2020 at about 3:30 P.M., the informant Sangeeta Devi wife of Sri Suresh Raut alleged that on the occasion of Chhath festival, the brother of her son-in-law, Akash Kumar had come to her house. While



she was not in her home Akash Kumar alluring her daughter of performing marriage with her, established physical relation with her daughter for about 3-4 days and assuring that he was going to Ludhiyana and after earning he would marry her. When the informant's daughter became pregnant of seven months then informant, her husband and other relatives contacted Akash Kumar, his father Prabhu Patel, his mother Somari Devi, for marriage of her daughter of Sapna Kumari with Akash Kumar but they started demanding Rs. 5 lacs for marriage instead, or suggested to get the pregnancy aborted and to marry somewhere else.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and she has been falsely implicated in the present case. In fact, the petitioner is the mother of son-in-law of the informant. He further submits that the statement of the informant's daughter has not been recorded under Section 164 Cr. P.C. nor she has been medically examined by the Medical Board and the husband of the petitioner namely Prabhu Patel has been granted bail by a Coordinate Bench of this Court vide order dated 22.03.2021 in Cr. Misc. No. 39921 of 2020 and the petitioner is in custody since 21.09.2021.

Learned APP for the State has opposed the prayer for



bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bettiah Muffasil (Manuapul) P.S. Case No. 407 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U			
---	--	--	--

