

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2863 of 2023

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

POONAM DEVI @ POONAM KUMARI D/O LATE RUPCHANDRA NAT
Resident of village- Dhangain Road, Bikramganj, Ward No- 9, P.S.-
Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-01-2023 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(D), 120(B)/34 of the Indian Penal Code and
Section 4 / 6 of the POCSO Act, Section 75 J.J. 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 in custody since 06.12.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that 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. He further submits that 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 Pratap Singh. He further submits that co-accused Rekha Devi has already been granted bail vide Cr. Misc. no. 62878 of 2021 by this Court and the case of present petitioner stands on similar footing.

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, keeping in view clean antecedent of petitioner ,co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Judge VII-cum-Exclusive Special Court(POCSO), Rohtas at Sasaram, in connection with POCSO Case No. 43 of 2021 arising out of



Bikramganj P.S. Case No. 229 of 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)

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