

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20236 of 2023

Arising Out of PS. Case No.-198 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

ETWARI DEVI Wife of Hari Bind R/V- Baghi, P.S- Sonhan, Dist- Kaimur at
Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed her prayer for bail in connection with POCSO Case no.5 of 2022 (arising out of Chand P.S. Case no.198 of 2021) registered under sections 366A and 34 of the Indian Penal Code.

3. The earlier prayer for bail of the petitioner was rejected vide order dated 9.1.2023 passed in Cr. Misc. no.19842 of 2022.

4. As per the prosecution case, the minor daughter of the informant was taken away by the accused persons and ultimately sold to two ladies including the petitioner herein who were in turn once again making an attempt to sell her but were not successful.

5. Learned counsel for the petitioner submits that the



petitioner is not named in the F.I.R. She has been falsely implicated in the case on the basis of confessional statement of a co-accused which has no value. There is an inordinate delay of lodging of the statement under section 164 Cr.P.C. which is fatal for the prosecution. The girl was voluntarily residing with the boy at Hathras and the story of the girl being allegedly transferred from the boy to the custody of this lady petitioner is absolutely false and concocted. The petitioner is in custody since 9.1.2022 and there being no chance of the trial concluding in the near future, she may be enlarged on bail. She undertakes to cooperate in the trial.

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

7. Having heard learned counsel for the parties and taking into consideration the girl/victim having supported the prosecution case including that against the petitioner in her statement under section 164 Cr.P.C. and the trial having neared its conclusion as per the report of the learned Additional District Judge VI-cum-Special Judge, POCSO Act, Kaimur at Bhabua contained in letter dated 6.4.2023 wherein it has been stated that 10 prosecution witnesses have been examined and only the investigating officer remains to be examined, the Court is not inclined to enlarge the petitioner on bail and the application is



rejected.

8. Learned trial Court is directed to expedite the trial and to conclude the same within a period of four months from the date of receipt/communication of this order.

(Partha Sarthy, J)

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