

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28151 of 2023

Arising Out of PS. Case No.-506 Year-2022 Thana- RAXAUL District- East Champaran

JAI MANGALI DEVI Wife of Krishna Giri @ Mohan Kumar Resident of
Village - Raghunathpur, P.S. - Chhauradano, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
19.01.2023 in connection with Raxaul (Haraiya) P.S. Case No.
506 of 2022, F.I.R. dated 28.10.2022 for the offences punishable
under Sections 342, 376(3), 376-DA, 34 of the Indian Penal
Code.

According to prosecution case, in brief, is that on
26.10.2022, the informant Paitun Nesa @ Jaitun Nesa lodged
gave a fardbeyan stating therein that on the alleged date of
occurrence i.e. on 26.10.2022 at about 12:00 noon when the
informant was moving at Chhauradano Station from her house
Brahampura, in the meantime a boy met her, who disclosed his
name as Bajrangi. It is further alleged that the said Bajrangi



committed raper with her in the pretext to get marriage at canal behind the Chhaurodano police station and said Bajrangi has taken the informant to Raxaul by train at the house of Krishna Giri where Krishna Giri and his wife was there. It has further stated that the said Bajrangi made physical relation in the house of Krishna Giri and visited the Raxaul Bazar, thereafter handed over the informant Krishna Giri and on the same night Krishna Giri forcibly committed raper with the informant, the wife of Krishna Giri did not speak any word. It has further been alleged that the wife of Krishna Giri told the informant that Krishna Giri will get marriage to you and you will made dinner in the house and she will work outside and On 28.10.2022 at about 02:00 AM the informant fled away from the house of Krishna Giri.

Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that the petitioner is not the wife of Krishna Giri she is sister-in-law of the Krishna Giri and on the alleged date of occurrence she was not present at the place of occurrence. He further submits that co-accused Bajrangi and Krishna Giri have been acquitted by the learned Trial Court vide POCSO Trial No. 07 of 2023 on 28.03.2023. He further submits that the police after



investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 19.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Raxaul (Haraiya) P.S. Case No. 506 of 2022, subject to 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.



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 his 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)

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