

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49296 of 2023

Arising Out of PS. Case No.-676 Year-2022 Thana- MAJHAULIA District- West Champaran

SANGEETA DEVI @ SANGITA DEVI W/O MANOJ DAS R/O Village-
Senuwariya ward no. 2, P.S- Majhauriya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49384 of 2023

Arising Out of PS. Case No.-676 Year-2022 Thana- MAJHAULIA District- West Champaran

PRAMOD SAH SON OF LATE KASHI SAH R/O VILLAGE PURVI
KARGAHIYA PS MUFFASIL BETTIAH DISTRICT WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 49296 of 2023)

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
Ms. Rashmi Jha, Adv.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP
(In CRIMINAL MISCELLANEOUS No. 49384 of 2023)

For the Petitioner/s : Mr. Siddharth Harsh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 29-08-2023 1. Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.
2. Petitioners, who are in custody since 03.07.2023 &
07.11.2022 respectively, seek bail in connection with Majhauriya P.S.
Case No.676/2022 dated 14.09.2022, registered for the offences
punishable under Sections 341, 346, 347, 376, 120B, 506 of the



I.P.C. & Sections 4 and 6 of POCSO Act.

3. According to prosecution case, there is allegation against the petitioner no.1 that she has abducted the minor daughter of the informant and the petitioner no.2 is alleged to have committed rape upon her.

4. Learned counsel for the petitioners submits that the petitioner no.1, namely, Sangeeta Devi has clean antecedent and the petitioner no.2, namely, Pramod Sah has carried three antecedent other than the present one and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the alleged date of occurrence is 08.09.2022 but the present F.I.R. has been instituted on 14.09.2022 after delay of about six days without giving any explanation of delay. He further submits that as per F.I.R., the petitioner no.2 namely Pramod Sah has committed rape upon the victim but the medical report of the victim, which was conducted on 14.09.2022 does not support the contention of the victim as well as contention of the informant. He further submits that co-accused namely Preeti Kumari has been granted anticipatory bail by the co-ordinate Bench of this Court vide order dated 14.07.2023 passed in Cr. Misc. No. 23638/2023 and co-accused, namely, Kishore Sahni @ Kishor Chaudhary has been granted bail vide order dated 17.08.2023



passed in Cr. Misc. No. 51739/2023 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 03.07.2023 & 07.11.2022 respectively.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C., in which she has categorically stated that the petitioner no.1 namely Sangeeta Kumari has abducted her and the petitioner no.2 namely Pramod Sah has committed rape upon her but the medical report does not find any sign of recent sexual intercourse. Apart from that petitioner no.2 has carried three criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner no.2 is on bail in all the three cases.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge POCSO Act, West Champaran at Bettiah in connection with Majhauriya P.S. Case No.676/2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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