

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60235 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- MAHILA P.S. District- Vaishali

Dolly Devi Wife of Late Subodh Singh R/o vill - Chakbhario, P.S. - Mahua,
Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 39 of 2022, registered on 22.09.2022, for the alleged offence under Sections 346, 347, 368, 372, 376, 120(B)/34 of the Indian Penal Code and Section 4/6 of POCSO Act.

03. As per prosecution case, the petitioner and her co-accused mother, Heera Devi, kept confined the informant in the house of one Vijay Singh and they forced her in prostitution when the informant got opportunity, she raised alarm and she was freed by the police.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner is a widow lady having four children. The prosecution case is not believable that the victim girl was kept confined for eight months but no one inquired where-about her. The other co-accused persons have been put to trial and four witnesses including father, mother and two independent witnesses have been examined and declared hostile. The parents of the victim girl have also deposed that their daughter went missing in Dussehra Mela and died on 03.01.2023 due to cold. The petitioner used to live in her matrimonial home in Village-Chakbhairo with her mother. The prosecution story is not believable that the mother, daughter and other family members were indulging in such type of activities.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the police has investigated the matter and the witnesses have supported the prosecution case. It has also come during investigation that the victim girl got some infection as she was forcibly made to make sexual contact with a number of persons and subsequently she died due to this infection.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the seriousness of allegation, I do not think it is a fit case for grant



of anticipatory bail. Hence, prayer for anticipatory bail of petitioners is hereby rejected.

07. However, if the petitioner surrenders before the learned court below within a period of six weeks, the learned court below will consider her prayer for bail on its own merit, without being prejudiced by this order.

(Arun Kumar Jha, J)

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