

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73025 of 2023

Arising Out of PS. Case No.-11 Year-2021 Thana- MAHILA P.S. District- Sheohar

TARA DEVI Wife of Raghuveer Raut R/o vill - Sugiya Katsari, P.S. and
Distt. - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is an accused in connection with Mahila P.S. Case No. 11 of 2021 registered for the offences under sections 376, 313 and 34 of the Indian Penal Code and section 4 of the POCSO Act lodged on 02.08.2021 by the informant, Bharat Raut.

3. As per the prosecution story, the petitioner's son was in relationship with the informant's minor daughter and later became pregnant. The allegation is that she was called to the boy's house and made to consume milk which led to her miscarriage. As the girl later became unconscious, the village doctor came and had to take steps for aborting the child.

4. A panchayati took place for marriage but the family members chose not to solemnize the marriage on the date that



was fixed. Left with no option, the FIR.

5. Learned Counsel for the petitioner submits that as there was affair between her minor son and the minor daughter of the informant, the entire family members have been roped in. The villagers were already looking into the matter but unnecessary the lady has been dragged in the case as a result whereof she is in custody since 16.07.2023 (as stated in paragraph 11 of the bail application).

6. Learned APP for the State, on the other hand, opposes the prayer for bail stating that not only accuseds took steps for abortion of the child, they further chose to take a back step on the panchayati that had happened in the matter.

7. Though the conduct of the accused persons are condemnable, in view of the fact that she is a lady aged 62 years, is in custody since 16.07.2023, will be facing the trial, do not have criminal antecedent, this Court is inclined to extend her privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge-I-Cum-Special Judge, POCSO, Sheohar in connection with Sheohar Mahila P.S. Case



No. 11 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of her bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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