

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24771 of 2024

Arising Out of PS. Case No.-706 Year-2022 Thana- SUPAUL District- Supaul

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Sukumari Devi W/O Pravesh Mehta R/O Village- Latraha Amaha, Ward No. 13, P.S And Distt.- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shiv Krishna Mehta NA R/o vill - Lathara Amha, P.S. and Distt. - Supaul

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the Opposite Party/s : Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-08-2024 It is proper to mention here that though, notice was served upon O.P. No.2 for his appearance and the same was received by O.P. No. 2 himself on 14.05.2024 as per service report which has been annexed with this file, no one turned up to assist this Court on behalf of O.P. No.2.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 323, 365, 376, 379, 504, 506 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

4. Allegation against co-accused Pravesh Mehta(husband of the petitioner) along with other co-accused



persons is that they abducted the daughter of the informant on the point of gun and co-accused Pravesh Mehta confined her in his room. Thereafter, he(Pravesh Mehta) committed rape with her forcefully for some days. Allegation against this petitioner is that being the wife of the co-accused, namely, Pravesh Mehta, she gave assistance to her husband in the commission of offence.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. She has falsely been implicated in this case. No any specific allegation of rape has been made against the petitioner rather the specific allegation of rape and commission of abduction is against her husband who is co-accused Pravesh Mehta. The only allegation against this petitioner is that she gave assistance to her husband in commission of offence. Except that, nothing has come against her. Co-accused(husband of the petitioner) is already in judicial custody. Moreover, the petitioner is languishing in judicial custody since 20.12.2022.

6. Learned APP appearing for the state has opposed the prayer of regular bail.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as



petitioner being a lady and her period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge if the charge is not framed** in connection with Supaul(Lokaha O.P.) P.S. Case No. 706 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge POCSO, Supaul.

(Sunil Kumar Panwar, J)

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