

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33719 of 2024

Arising Out of PS. Case No.-44 Year-2019 Thana- PARSABAZAR District- Patna

=====

Priti Kumari @ Laxmi Kumari D/O Ramishwar Shaw R/O Village- Kurthaul,
P.S- Parsabazar, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-07-2024 A Supplementary affidavit has been filed by the

learned counsel for the petitioner which is taken on record.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. In the present case, the petitioner seeks bail in
connection with Special Case No. 22(A) of 2019 arising out of
Parsa Bazar P.S. Case No. 44 of 2019, registered on 10.02.2019
for the offences under Sections 376(A) of the Indian Penal Code
and Section 4,6 & 8 of the POCSO Act and Sections 66(c),
66(d) and 67 of the Information Technology Act.

4. As per the prosecution case, the co-accused enticed
the minor daughter of the informant in establishing sexual
relationship with him and prepared photograph and video of
their act. The co-accused also threatened the minor daughter of

the informant and blackmailing her further made sexual relationship on a number of occasions. Allegation against the petitioner is that she helped the co-accused in his nefarious design and actively participated and abetted the commission of crime against the minor daughter of the informant.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation in the F.I.R. against the petitioner. The name of the petitioner came up for the first time in the statement of the victim girl recorded under Section 164 of the Cr. P.C. with allegation that this petitioner took her away at Mahavir Temple where she gave her some *prasad* and it contained intoxicating substance and when the victim girl regained consciousness she found herself at her home. However, the statement given by the victim girl before the Court as prosecution witness no. 1 differs from her statement recorded under Section 164 of the Cr.P.C.. In her deposition the victim girl stated that she went to Mahavir Temple with petitioner and co-accused Md. Jawed gave her *prasad* and thereafter she became unconscious. Learned counsel further submits that F.I.R. was registered on disclosure made by victim girl to her father but the father of the victim girl has not named

the petitioner anywhere in the written report given to the police. Learned counsel further submits that the petitioner is a girl and is a friend of victim girl and both of them went to visit Mahavir Temple where some *prasad* was given to the victim and after eating the *prasad* she became unconscious and when she regained her consciousness she found herself at her house. The sequence of occurrence shows that petitioner has not participated in any offence and no offence is made out under Article 376(A) of the Indian Penal Code against the petitioner. The petitioner is in custody since 15.03.2024 and charge sheet has been submitted. The petitioner has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the deposition of the witness before the learned trial court shows the involvement of the petitioner who appears to have actively participated and helped in commission of wrongful act against the victim by the co-accused Md. Jawed.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the different version of the statement of the victim girl recorded under Section 164 of the Cr.P.C. and in her deposition before Court and also absence of allegation against the petitioner in the

F.I.R. and further considering submission of charge sheet against the petitioner who is a girl, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge-POCSO, Patna/concerned court, in connection with Parsa Bazar P.S. Case No. 44 of 2019, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

anuradha/-

U		T	
---	--	---	--