

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45102 of 2024

Arising Out of PS. Case No.-248 Year-2023 Thana- KHAJEKALA District- Patna

Shila Devi Wife Of Arun Mahto @ Bajrangi Mahto Village- Purvi Kashwa
Ranipur Adda, Ps- Mehandiganj, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Das Son Of Sadan Das Village- Hazari Mohalla, Near Krisent
English School, Po- Patna City, Ps- Khajekala, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhimanyu Deo, Advocate
For the State	:	Mr. Binay Krishna, APP
For the Informant	:	Md. Rafi Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-11-2024 Heard Mr. Abhimanyu Deo, learned counsel for the

petitioner and Md. Rafi Ahmad, learned counsel for the

informant as well as Mr. Binay Krishna, learned A.P.P. for the

State.

2. The petitioner is apprehending her arrest in
connection with Khajekala P.S. Case No. 248 of 2023, F.I.R.
dated 24.06.2023 for the offences punishable under Sections
365 and 366A of the Indian Penal Code, Sections 3(i)(r)(s), 3(2)
(va) of the SC/ST Act and later on $\frac{3}{4}$ of the POCSO Act and
Sections 323, 363, 376, 504 and 506 of the Indian Penal Code
has also been added.

3. According to prosecution case, the daughter of the



informant went to coaching on 23.06.2023, when informant's daughter did not come back to the house till evening and her mobile was switched off. Before this, the petitioner often teased informant's daughter on the way. On that basis the informant went to the house of the petitioner and enquired about his daughter, then his parents became angry on the informant and started abusing him by calling his caste name and threatened him. They also told him that his daughter had been taken by their son and also he will get marry with your daughter.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case merely on the ground that she is mother of the co-accused person, namely, Mantu Kumar. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation against the petitioner rather general and omnibus allegation against the petitioner and her husband that they have misbehaved with the informant. He further submits that from a bare perusal of the FIR it appears that misbehave was not done in the public place so no case is made out against the petitioner under the SC/ST Act.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other



hand, have vehemently opposed the prayer for bail of the petitioner and submit that sufficient material has come during the investigation against the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-VII Cum Exclusive Special Court (POCSO, Act), Patna in connection with Khajekala P.S. Case No. 248 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner 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 her absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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