

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59953 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- NAVINAGAR District- Aurangabad

Anita Devi, aged about 44 years (Female), W/o Sri Deepak Kumar Singh, R/o vill - Koshdihra, P.S. - Nabinagar, Distt. - Aurangabad.

... .. Petitioner

Versus

- 1. The State of Bihar.
- 2. Urmila Devi, W/o Abhay Kumar Singh, R/o vill-Nabinagar, P.S.- Nabinagar, Distt. - Aurangabad

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Rajeev Kumar Singh, Advocate
For the O.P. No. 2	:	Mrs. Ritika Rani, Advocate, Mr. Vardaan Mangalam, Advocate, Mr. Himja Gautam Singh, Advocate and Mrs. Rupali, Advocate.
For the State	:	Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-10-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Nabinagar P.S. Case No. 162 of 2024 dated 12.06.2024 registered for the offences punishable under Sections 363, and 366A read with Section 34 of the I.P.C. and Sections 8 and 12 of the POCSO Act. Later on, Sections 376D, 302, 201, 120B of the I.P.C. and Sections 4, 6, 8 and 12 of the POCSO Act were also added.

3. As per the prosecution case, on 11.06.2024 at about



6.45 A.M., the victim went out from her house by saying that she was going to '*Premier Coaching*' but she did not return. On search of mobile details, her chatting and calls were seen with one Rohit Kumar. The victim was also in repeated contact with her friend Shruti Kumari who is the daughter of the petitioner. When the informant tried to contact the mother of Shruti Kumari (petitioner), she did not attend the call. The informant got suspicion about the involvement of Rohit Kumar, Shruti Kumari and the mother of Shruti Kumari (petitioner) in kidnapping of the victim.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged occurrence took place on 11.06.2024 as to when the F.I.R. was lodged on 12.06.2024 and delay in lodging of the F.I.R., no explanation has been given by the prosecution. It is further submitted that the Mobile No. 7033357547 which is mentioned in the *fardbeyan*, till date the C.D.R. of the said mobile has not been obtained by the I.O. No independent witness has supported the prosecution case except interested witnesses as such their testimony, the petitioner cannot be punished. The real fact is that the informant is the step-mother of the victim and she was preparing for the NEET



Examination and as after the death of her own mother, all the properties were transferred in her name and she wanted to complete her MBBS course even after sharing the said properties for which the informant always used to oppose and as per murmuring in the locality, the informant has killed the victim and has implicated the petitioner and her daughter to save her skin in the alleged offence as the victim (deceased) and the daughter of the petitioner were close friends. It is further submitted that the co-accused Dharmendra Kumar has confessed before the I. O. that he and one Rakesh Kumar killed the victim after committing rape and threw the dead body of the deceased in *Indrapuri Dam* and on their confession, the dead body of the deceased was recovered from *Indrapuri Dam*. Although, the co-accused Dharmanendra Kumar and Rakesh Kumar have not named the petitioner. The petitioner is a lady. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. She is in custody in this case since 17.06.2024.

5. Learned A.P.P. for the State and learned counsel for opposite party no. 2 have vehemently opposed the bail petition of the petitioner. Learned counsel for the opposite party no. 2 has further submitted that in paragraph no. 117 of the case diary,



it has been mentioned that the petitioner runs a *Beauty Parlour* in her house and in *Babloo Chanda Marriage Hall* situated beside her house, the petitioner and her daughter caused to meet the victim and Rohit in the said Hall and sometimes in her house and on the alleged date of occurrence i.e., 11.06.2024, in a planned way, they met Rohit and the victim. It is further submitted that when the informant tried to contact with the daughter of the petitioner, his mother (petitioner) did not allow her daughter to talk with the informant.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI-cum-Special Exclusive Judge (POCSO) Court, Aurangabad in connection with Navinagar P.S. Case No. 162 of 2024.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

