

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68473 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- KARAI PARSURAI District- Nalanda

Kanti Devi @ Shanti Devi Wife of Late Mathura Sapera R/O-Village- Binsa,
PS- Karaiparsurai, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Daughter of Umesh Sapera Resident of Village- Binsa, P.S.-
Karaiparsurai, Distt.- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Karaiparsurai P.S. Case No. 38 of 2024, lodged on 13.03.2024, under Sections 363 and 365 of the I.P.C. Later on offence under Section 376/34 of I.P.C. and under Section 4/6 of the POCSO Act was added.

3. As per the prosecution, the F.I.R. has been lodged in which it has been alleged by the father of the victim that his daughter has left house and thereafter, he has filed the fardbeyan. Subsequently, the mother of the victim has filed a fresh fardbeyan and on her instance the petitioner has been



made accused under Sections 376/34 of the Indian Penal Code and under Sections 4/6 of the POCSO Act.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner is the grandmother of the victim. Counsel submits that there is no allegation against the petitioner whatsoever is the allegation it has come against the father of the victim. Counsel submits that the grandmother of the victim is aged about 53 years having no criminal antecedent and she is in custody since 26.07.2024. Counsel submits that there were differences between husband and wife and due to this reason this false case has been filed by the wife against the husband with the support of the daughter. Counsel submits that the petitioner is ready to fulfill all the condition whatsoever shall be imposed.

5. Learned Counsel for the State opposes the prayer for bail and submits that the petitioner may be the grandmother of the victim but she is not innocent as it has been disclosed by the victim in her statement under Section 164 Cr.P.C. that the grandmother did not use to sleep with the victim and forced her to sleep with her father and her father used to torture to develop physical relation. In this regard, she has categorically disclosed



that the father has developed physical relation with her and her grandmother always forced the victim to sleep with his father. This fact has also been acknowledged in the rejection order of the Sessions Court.

6. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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