

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3810 of 2025

Arising Out of PS. Case No.-73 Year-2024 Thana- MAHILA P.S. District- Samastipur

Rubi Devi Wife of Mahesh Das Resident of Village- Sahpur, Bhuswar, PS
-Bibhutipur, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. X D/O Tuntun Das R/O Village- Sahpur Litiyahi, ward no. 10, P.S. -
Bibhutipur, Dist- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-02-2025 Heard Mr. Suneil Kumar Thakur, learned counsel

appearing on behalf of the petitioner and Mr. Amitesh Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mahila P.S. Case No. 73 of 2024 registered for the
offence(s) punishable under Sections 126(2), 115(2), 76, 64, 89,
352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023
and Sections 4 and 6 of the POCSO Act.

3. As per the allegation made in the FIR, the co-
accused Suman Kumar has forcefully established sexual
relationship with a minor girl, aged about 15 years and a case
was registered against him under Sections 4 and 6 of the



POCSO Act.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and she has falsely been implicated in the present case. Learned counsel further submitted that the petitioner has no concern with the co-accused Suman Kumar, against whom the allegation of rape has been made. The petitioner is the aunt of the co-accused Suman Kumar. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that the petitioner is a lady, having clean antecedent, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 6th-cum-Special Court (POCSO), Samastipur in connection with Mahila



P.S. Case No. 73 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

Ashishsingh/-

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