

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47870 of 2025

Arising Out of PS. Case No.-206 Year-2024 Thana- MAHNAR District- Vaishali

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Mamta Devi W/o Prithvi Paswan Resident of Paharpur, Bisanpur, PS-
Mahnar, District-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baby Devi W/o Dilip Chaudhary R/o Pharpur, Bishanpur, P.S.-Manhnar,
District-Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 05-12-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. None appears on behalf of the opposite party

no.2 despite valid service of notice.

3. The petitioner seeks bail in a case registered for

the offence punishable under Sections 341, 342, 366(A), 376

and 34 of the Indian Penal Code and Section 6 of the POCSO

Act.

4. The allegation in the first information report is

that one Vikash Kumar kidnapped the minor daughter of the

informant by allurement from the house around midnight and

raped her by restraining her in a room for three days and when



she tried to escape, she was physically assaulted by the petitioner, who is mother of Vikash Kumar.

5. Learned counsel for the petitioner submits that it would be apparent from the narration of the F.I.R. itself that the allegation is specific against co-accused Vikash Kumar of having allured the victim girl subjecting her to sexual intercourse and so far as the petitioner is concerned, there is an allegation of physical assault by the petitioner. It has further been submitted that as a matter of fact, petitioner has been made an accused in this case only in view of the fact that she happens to be the mother of the main accused Vikash Kumar. It has also been pointed out that the entire F.I.R. is suspicious on account of fact that the same was lodged after a delay of four days as the daughter was taken away on 18.06.2024 while the informant waited for lodging a case on 22.06.2024. The statement of the victim girl is also specific against Vikash Kumar and with regard to assault there is only general and omnibus allegation also that she was assaulted on the pretext of being a thief.

6. Learned APP for the State opposed the grant of bail on the basis of allegations made in the first information report.



7. Taking into consideration the facts and circumstances and considering the fact that the thrust of allegation is against co-accused Vikash Kumar, who is also in custody and the petitioner is his mother, coupled with the fact that the present petitioner is in custody since 28.12.2024 and the charges have already been framed in the case, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, POCSO-cum-A.D.J.-VI, Vaishali at Hajipur/concerned Court below in connection with Mahnar P.S. Case No. 206 of 2024.

(Soni Shrivastava, J)

anand/-

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