

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79960 of 2024

Arising Out of PS. Case No.-382 Year-2023 Thana- BUNIYAD GANJ District- Gaya

Janak Devi @ Janki Devi Wife of Santos Kewat Resident of Village- Arpa,
Kaliya Chak, P.S.- Hilsa, Distt.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uganti Devi Wife of Mukesh Mistri Resident of Manpur, Shivcharan Lane,
P.S.- Buniyadganj, Distt.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 17-02-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Buniyadganj P.S. Case No. 382 of 2023 instituted for the
offence under Sections 366(A), 506 & 34 of the Indian Penal
Code and Sections 4 & 6 of the POCSO Act.

3. Prosecution case in short is that brother of the
petitioner has forcibly married the minor daughter of the
informant and established physical relationship with her.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 17-09-2024. Petitioner
bears no criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case due to affair between the minor girl and petitioner's brother. Petitioner is the tenant in the house of the informant and his brother used to visit her house and in the meantime, love emerged between the minor daughter of the informant and brother of the petitioner. The petitioner is a lady. It is mainly contended that FIR is lodged after a delay of six months on the alleged apprehension of threat posed by the co-accused to face dire consequences. Charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that victim has supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C. and it is specifically alleged against the petitioner that she took the victim to her brother house, who had raped the victim.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, charge sheet being submitted and specifically taking into account the six months delay in lodging of the FIR, that too without any plausible explanation and petitioner being female, this Court is



inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buniyadganj P.S. Case No. 382 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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