

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75892 of 2025

Arising Out of PS. Case No.-199 Year-2025 Thana- TEKARI District- Gaya

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1. Susmita Gupta @ Raj Kumari Devi, W/o Sri Prem Kumar Gupta
 2. Prem Kumar Gupta, S/o Late Shivnarayan Prasad Gupta
- Both are R/O Village- Konch, P.O.- Konch, P.S.- Konch, District- Gaya

... .. Petitioners

Versus

1. The State of Bihar
2. Punam Devi, W/o Dilip Ram, R/o Village-Mayurwa, P.S.- Triveniganj, Dist.- Supaul.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-11-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Tekari P.S.

Case No.199 of 2025 registered under Sections 64(1), 85

read with 3(5) of the Bhartiya Nyaya Sanhita (in short 'BNS'),

Sections 4 and 8 of the Protection of Children from Sexual

Offences Act (in short 'POCSO Act'), Sections 3 and 4 of the

Dowry Prohibition Act as well as Sections 3(1)(r), 3(1)(s),

3(1)(w), 3(2)(va) of the Scheduled Castes and the Scheduled

Tribes (Prevention of Atrocities) Act.



3. As per FIR, penetrative sexual assault/rape was committed upon minor daughter of informant aged about 15 years by the son of petitioners whereafter, marriage was solemnized between them but, subsequently, after surfacing matrimonial dispute, the daughter of informant was ousted from matrimonial home, where petitioners were also instrumental.

4. It is submitted by Mrs. Vaishnavi Singh, learned counsel appearing for the petitioners that the thrust of allegation appears available against the son of petitioners and even from out of allegation, it can be gathered easily that it is not a case of sexual assault, as the son of petitioner admittedly solemnized the marriage with daughter of informant with their consent at Sun Temple, Kutha, District-Arwal. It is pointed out that petitioners implicated with this case out of their relation with main co-accused Ashutosh Kumar. Petitioners claimed clean antecedent.

5. Learned Spl. P.P. opposed the prayer of bail.

6. In view of the above-mentioned facts and circumstances and by taking note of fact as *prima facie*



implication of petitioners appear being in-laws of daughter of informant, accordingly, both petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, POCSO-cum-Additional Sessions Judge-VII, Gaya Ji in connection with Tekari P.S. Case No.199 of 2025, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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