

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65630 of 2025**

Arising Out of PS. Case No.-41 Year-2025 Thana- PALASI District- Araria

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Rubi Devi W/o Rajesh Kumar Sah R/o Village- Kodaili, Ward No. 5, P.S.-  
Palasi, District- Araria ... .. Petitioner/s

Versus

1. The State of Bihar
  2. Rajesh Kumar Sah S/o Shankhu Sah R/o Village- Kodaili, Hanuman Chowk,  
Ward No. 5, P.S.- Palasi, Dist.- Araria
- ... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Md Naushaduzzoha  
For the Opposite Party/s : Mr. Pronoti Singh

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

7      24-02-2026                      Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State. No one appears on  
behalf of the opposite party no. 2 despite valid service of notice.

2. The petitioner seeks bail in a case registered for the  
offence punishable under Sections 65(1), 352(2), 351(3), 61(2)  
of the B.N.S. and Section 6 of the POCSO Act.

3. Petitioner is alleged to have aided and facilitated  
co-accused persons named in the FIR in commission of sexual  
assault with the victim.

4. Learned counsel for the petitioner has submitted  
that the petitioner is the mother of the victim and the FIR was  
lodged after an inordinate delay, inasmuch as while the  
occurrence is said to have taken place between 01.10.2024 to  
30.11.2024 whereas the First Information Report was lodged



02.02.202 at the instance of the father of the victim as there was some matrimonial discord going on between the parents of the victim. It is further submitted that in the statement of victim under Sections 180 and 183 of the B.N.S.S., she had been tutored as a child witness to give statement implicating the accused persons including the present petitioner. However, in the medical examination report, no external injury was found on her body or her private parts although 16 to 18 weeks of foetus was found. It is further submitted that the trial of the case has begun and the certified copy of the deposition has been supplied which indicates that both the informant and the victim have been examined as P.W. 1 and P.W. 2 and have both not supported the case against the petitioner although they have not been declared hostile by the prosecution as such, their evidence becomes binding on the prosecution. Further, the petitioner is a lady who is in custody since 06.02.2025 with no criminal antecedent.

5. Learned APP for the State has opposed the application for bail.

6. Taking into consideration the facts and circumstances and also considering the fact that the petitioner happens to be the mother of the victim, further considering the



deposition of the informant and victim during trial, let the above named petitioner, be enlarged 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 court below where the case is pending/successor court in connection with Palasi P.S. Case No. 41 of 2025, subject to the conditions that the petitioner shall appear on each and every date till conclusion of trial and if the petitioner does not appear on two consecutive dates without any substantial and satisfactory reason, the learned court below would be at liberty to cancel her bail bonds.

(Soni Shrivastava, J)

devendra/-

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