

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67946 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- HARPUR District- East Champaran

Pushpa devi wife of Rajesh Prasad Gupta Resident of Village - Nayak Tola,
P.S. - Harpur, Dist. - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Govind D/o Rajesh Prasad Gupta R/o Vill. - Nayak Tola, P.S. - Harpur,
Dist. - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 10-02-2026 In compliance of the order dated 04.02.2026, as the

Sr. Superintendent of Police, East Champaran at Motihari is on

leave, the Deputy Superintendent of Police Headquarter, East

Champaran at Motihari along with the Investigating Officer of

this case has appeared through video conferencing.

2. Heard learned counsel for the petitioner and learned

APP for the State as well as the officers appeared through the

virtual mode.

3. The petitioner seeks bail in a case registered for the

offence punishable under Sections 126, 64, 352, 351(1) and 3(5)

of the Bharatiya Nyaya Sanhita, 2023 and Sections 6 and 8 of

the POCSO Act.



4. The present matter relates to the informant/victim having complained of her father indulging in sexual assault upon her and the present petitioner, being her mother, also did not come up in her rescue by not believing the same.

5. It is submitted by learned counsel for the petitioner that the petitioner happens to be the mother of the informant/victim girl and it is totally unbelievable that a mother would in any way be a party to the sexual or criminal activity being committed with her daughter. The only allegation made in the first information report is that when the victim disclosed her entire trauma to the petitioner, she did not believe the same and did not come in her rescue. The chargesheet in the case has been submitted. The petitioner, who is a lady, has no criminal antecedent and has been languishing in custody since 25.07.2025.

6. Learned APP for the State opposed the bail petition on the ground that the petitioner is also accused in the present case.

7. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner is the mother of the informant/victim and there is no material against her of even aiding of the offence and thrust of



the allegation is upon the co-accused, Rajesh Prasad Gupta, who is the father of the informant/victim and the petitioner is languishing in custody since 25.07.2025 coupled with the fact that the chargesheet has been submitted, the above named petitioner is directed to 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 Harpur P.S. Case No.36 of 2024, subject to the condition that the petitioner shall remain physically present in court on each and every date till the framing of charge and in the event of failure on two consecutive dates without sufficient reasons, her bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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