

Asha Singh vs The State Of Bihar on 24 March, 2022

Author: Ashutosh Kumar

Bench: Ashutosh Kumar

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17567 of 2021

Arising Out of PS. Case No.-8 Year-2019 Thana- C.B.I CASE District

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ASHA SINGH WIFE OF DHIRENDRA NARAYAN SINGH RESIDENT OF
WARD NO. 25, NEW CHANDMARI, P.S. MOTIHARI TOWN, DISTRICT-
EAST CHAMPARAN AT MOTIHARI

Versus

1. The State of Bihar
2. THE UNION OF INDIA THROUGH THE C.B.I.,SCB, PATNA BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dewendra Narayan Singh
For the Opposite Party/s	:	Mr.APP
For the C.B.I.	:	Mr. Bipin Bihari Sinha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 24-03-2022

Heard Mr. Dewendra Narayan Singh, the learned counsel for the petitioner and Mr. Bipin Bihari Sinha, the learned counsel for the C.B.I. The State is represented by the learned APP.

The petitioner seeks bail in anticipation of her arrest in connection with C.B.I. Case No. 08 of 2019 (RC No. 0922019S0008) arising out of Turkauliya (Raghunathpur) P.S. Case No. 499 of 2018 instituted for the offences under Sections 341, 342, 323, 504 and 34 of the Patna High Court CR. MISC. No.17567 of 2021(5) dt.24-03-2022 Indian Penal Code and Sections 8 of the Protection of Children from Sexual Offences (POCSO), Act.

The accusation in the First Information Report is based on a report submitted by the Tata Institute of Social Sciences (hereinafter referred to as "TISS") in respect of a short-stay home at Motihari, which was being run by an organization called "SAKHI". TISS was entrusted with the responsibility of conducting audit in many such short-stay homes in the State of Bihar. With respect to the organization namely "SAKHI", where the petitioner was employed as a Rehabilitation

-cum-Training Officer, it was observed in the report that there were unabated incidents of physical violence against mentally retarded women and girls. The report indicated that even the Counsellor employed there was reported to be resorting to violence. The inmates were not provided with proper clothing or food and were also not made available sanitary pads regularly. The overall living condition of the home was found to be absolutely pathetic.

On the basis of the aforesaid report, a complaint was lodged by the District Programme Officer, East Patna High Court CR. MISC. No.17567 of 2021(5) dt.24-03-2022 Champaran against the officers employed in "SAKHI" at the relevant time.

It appears from the records that a detailed investigation was carried out by the C.B.I. The investigations further revealed breach of Immoral Traffic Prevention Act, 1986 and Protection from Domestic Violence Act, 2005. The women were subjected to acts of extreme depravity even when they were lodged in such homes after being sexually, economically and physically exploited by predator human beings.

One of the inmates of the short-stay home categorically stated that outsiders were let-in in the home every night, who sexually abused the inmates after paying money to the petitioner and one Kumari Babita, both of whom were operating as Rehabilitation-cum-Training Officers. The inmates were also administered tablets which were perhaps abortifacient. Not satisfied with this, even minor protest by the inmates led to severe assault on them by iron-rods.

The petitioner has specifically been alleged to have Patna High Court CR. MISC. No.17567 of 2021(5) dt.24-03-2022 forced the inmates to dress-up properly so as to serve the clients, who were entertained by these employees of the organization.

Mr. Singh, the learned counsel for the petitioner, however, has submitted that the accusation against the petitioner and others have been highly exaggerated and for reasons which are unknown to the petitioner, the inmates have narrated an unbelievable story. In fact, it has been urged that even one of the inmates whose statement has been recorded under Section 164 Cr.P.C. has not spoken about such acts of violence by the petitioner; rather such accusation is against others.

So far as the petitioner is concerned, it has specifically been stated in the 164 Cr.P.C. statement that the petitioner along with others used to assault the inmates.

It has also been submitted that one of the inmates of the stay home, on whose statement the aforesaid prosecution has been launched, had run away from the her home along with a person for which her father had lodged an F.I.R. vide Kesariya P.S. Case No. 335 of 2017. However, Patna High Court CR. MISC. No.17567 of 2021(5) dt.24-03-2022 in that case final report was submitted as mistake of fact.

This fact has been brought to the notice of this Court to demonstrate that the victim did not make a correct disclosure and perhaps was only pandering to the TISS to gather public gaze, attention and publicity, which would only raise their standard of audit.

After having gone through the entire gamut of accusation and the material evidence collected by the C.B.I., I am of the view that the offences for which the petitioner has been charged, is made out squarely.

That most of the inmates of the house are socially ostracized women who have been physically and sexually abused. It matters not if one of the inmates had run away with a person and the case lodged with respect to that elopement was ultimately found to be incorrect and a report was submitted as mistake of fact. Only such destitute women are put in stay homes for the purposes of granting safety and sustenance in the meanwhile so that they may overcome their problems. That does not justify the act of violence which has been reported against entire organization Patna High Court CR. MISC. No.17567 of 2021(5) dt.24-03-2022 and in particular, the petitioner.

I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

(Ashutosh Kumar, J) sunilkumar/-

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