

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51037 of 2016

Arising Out of PS.Case No. -125 Year- 2014 Thana -KHAGARIA District- KHAGARIA

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1. Anita Devi Wife of Sudhir Paswan resident of Village- Kamalpur, P.S. + District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-12-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since 27.08.2016 in connection with Khagaria P. S. Case No. 125 of 2014 registered for the offence punishable under Sections 364, 366A/ 34 of the Indian Penal Code.

The prosecution case as lodged by the informant, Hema Devi is that on 05.01.2014 co-accused Jhalo Devi called her minor daughter, aged about eight years from her house and sent her to bring biri but she did not return. It has been alleged by the informant that the accused persons either have committed murder of her minor daughter or would have sold her at brothel.

It has been submitted by the learned counsel for the



petitioner that she is innocent, has no criminal history and has been falsely implicated only on the ground of suspicion. It has further been submitted that the minor victim girl was not called by her from the house rather by co-accused Jhalo Devi and F.I.R. has been lodged after more than a month of the alleged occurrence. He also submits that the statement of the victim girl under Section 164 Cr. P. C., who is aged eight years, has been taken in front of the informant, her mother, rather the petitioner was given Rs. 500/- to search the victim. It is further submitted that charge sheet has already been submitted hence there is no chance of tampering with the prosecution witnesses.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and being a controversial lady, as supported by the witness and the victim girl, opposes the prayer for bail.

Be that as it may, considering the facts and submission of the parties and that charge sheet has already been submitted against the petitioner, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P. S. Case No. 125 of 2014 with a condition that



the petitioner will file an undertaking duly supported by her personal affidavit before the Trial Court and she will appear physically before the Court below on each and every date till the disposal of the case and in case of failure to appear on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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