

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42395 of 2016

Arising Out of PS.Case No. -45 Year- 2015 Thana -GAYA KOTWALI District- GAYA

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Chaya Devi, wife of Panchu Singh, resident of Tekari Road, Sarai Chowk,
P.S.- Kotwali, District- Gaya. at present residing at Kirani Ghat, River Side
Road, Gaya- 823001.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma-Advocate

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh-1-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 16-11-2016

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Petitioner, who alleged to have been indulged in anti-social activities by way of contravening the Immoral Trafficking Act repeatedly, even enjoying the privilege of bail and on account thereof, at an earlier occasion vide order dated 22.06.2015, prayer of bail was rejected vide Cr. Misc. No.16114/ 2015 (Annexure-1) and during course thereof, a liberty was given to renew her prayer after one year in case, trial is not concluded. It is further evident from Annexure-2 that petitioner had approached before the Hon'ble Apex Court under S.L.P. (CRI) No.6943 of 2015, however, could not succeed. Prayer has been renewed and during course thereof, the learned counsel for the petitioner has stressed



over the physical condition in the background of suffering from hypertension, hypothyroidism, diabetes as well as arthritis. As per report, which was called for at an earlier occasion communicated vide order no.4464 dated 08.10.2016 by the Superintendent, Central Jail, Gaya, it is evident that from time to time, petitioner was allowed to avail the medical facility at A.N.M.M.C.H. and for the present, her condition happens to be satisfactory. Learned counsel for the petitioner has submitted that again petitioner has been sent to A.N.M.M.C.H. at the request of Jail Superintendent, Central Jail, Gaya.

The law speaks that condition of petitioner while granting bail should not be onerous, but taking undue advantage of privilege of bail and further, indulging in same kind of offence that too, jeopardizing the interest of minors, who being allured is thrown to prostitution, is a circumstance which should not be lightly considered. The activity of petitioner suggests that in case she is allowed to avail privilege of bail, may indulge in similar activity. Therefore, the activity of petitioner is to be barricaded and for that, proper condition requires to be imposed during course of grant of bail so that, her presence should not prove menace to the society.

That being so, considering the plea of the petitioner

coupled with period of custody in consonance with the interest of the society, petitioner, **Chaya Devi** is directed to be released on bail on furnishing bail bond of Rs.5,00,000/- (five lacs) in cash surity to the satisfaction of learned 1st Additional Sessions Judge-Cum-Special Judge, POCSO Act, Gaya in connection with Kotwali P. S. Case No.45 of 2015 leading to POCSO Trial No.11 of 2015, subject to condition that in case, petitioner is found indulged in similar kind of activity till pendency of instant trial, the aforesaid amount will be subject to forfeiture.

(Aditya Kumar Trivedi, J)

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