

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40188 of 2016

Arising Out of PS.Case No. -74 Year- 2014 Thana -BALIA District- BEGUSARAI

1. Renu Devi Wife of Ranjit Khalifa Resident of village- Mathurapur, P.S.- Ballia, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Smt. Renuka Ratnakar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-10-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends her arrest in connection with Ballia P.S.Case No. 74 of 2014 registered for the offence punishable under Sections 366 (A), 372, 373, 376, 120(B) of the Indian Penal Code and under Sections 3, 4, 5, 6, and 9 of the Immoral Traffic Act, 1956 and also under Sections 4,6,8 of POCSO Act.

The prosecution case as lodged on the basis of written petition of one Raj Narayan Mahto on 4.03.2014 is that the minor daughter of the informant became traceless, who later telephonically informed that she has been kept by Mital Khalifa, Shankar Khalifa and Manjoori Khatoon and they are indulged in

immoral trafficking. It is further alleged that Rahul son of Shankar Khalifa and son of Mital Khalifa used to commit rape with her and her name has also been changed and further she is being pressurized to marry either with Riki or with Rahul and accordingly on the basis of statement of the informant the victim was recovered.

It has been submitted by the learned counsel for the petitioner that she is innocent and has been falsely implicated in the aforesaid case. It is also submitted that even the victim girl in her statement recorded under Section 164 of the Cr. P. C. has not named the petitioner and being a lady no offence of Immoral Trafficking Prevention Act and POCSO is made out against her. He further submits that the petitioner has no criminal antecedent as is evident from para-3 of this application. Furthermore, learned counsel for the petitioner submits that some of the co-accused persons have been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 9013/2015 dated 09.07.2015.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner is a lady and has

no criminal antecedent and some of the co-accused has been granted the privilege of bail by this Court, let the petitioner, named above, in the event of her arrest or surrender before the learned Court below within a period of eight weeks from today, be released 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 Additional Sessions Judge-I Cum Special Judge, Begusarai in connection with Ballia P. S. Case No. 74 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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