

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31411 of 2017

Arising Out of PS.Case No. -40 Year- 2015 Thana -DUMRA District- SITAMARHI

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1. Gita Devi W/o Nathuni Ram, Resident of Village- Kusumpur Bakhari,
P.S.- Riga, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-07-2017 The petitioner seeks regular bail in connection with

Dumra P.S. Case No. 40 of 2015, registered for offences

punishable under Sections 363, 366A, 372, 373 and 120B of the

Indian Penal Code, Section 4 of POCSO Act and Sections 5/6 of

Prevention of Immoral Trafficking Act.

Allegation against the petitioner and other accused
person is of kidnapping the minor girl of the informant.

It has been submitted on behalf of the petitioner that
petitioner has been made accused in this case only on the basis of
confessional statement of co-accused, namely, Chotte Nut and
except that there is nothing against the petitioner and even in the
statement under Section 161, the girl has not named this petitioner.
Though learned Court below has mentioned about the statement



recorded under Section 164 Cr.P.C. but no such statement is on record and a Coordinate Bench of this Court while dealing with the prayer for anticipatory bail of co-accused of this case has considered the same and has granted bail to him, which is annexure -2 to this petition. Further the case of the petitioner is similar to the co-accused, who has been granted bail. Petitioner has been in judicial custody since 17.02.2017.

Heard learned A.P.P. also.

Having heard both sides, in view of the facts as stated above, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Sitamarhi, in connection with Dumra P.S. Case No. 40 of 2015, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal



of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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