

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46175 of 2019**

Arising Out of PS. Case No.-45 Year-2018 Thana- MANSURCHAK District-
Begusarai

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MAMTA DEVI Wife of Late Brahmadeo Das @ Late Brahmadeo Sah
Resident of Village-Mahendra Ganj, Ward No.7, P.S.-Mansoorchak,
District-Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-07-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest for the
offences alleged under Sections 366(A)/34 of the Indian Penal
Code and Sections 3, 4, 6 of POCSO Act registered in connection
with POCSO Case No. 46 of 2018 arising out of Mansoorchak P.S.
Case No. 45 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and as a matter of fact there was love affair between
the informant's minor daughter and Shivam Kumar. In an earlier
similar case in Mansoorchak P.S. Case No. 20 of 2017 filed by the
informant's husband, statement of the so-called victim girl was
recorded under Section 164 Cr. P.C. in which she stated that she
had gone at her own volition with Shivam Kumar and no
allegation had been made against him. In that backdrop, the said
co-accused Shivam Kumar has been granted bail by this Court by
order dated 17.10.2017 in Cr. Misc. No. 44883 of 2017. It is
submitted that the informant's daughter and Shivam Kumar were
living together but certain difference cropped up between them
subsequently by reason of which the present F.I.R. has been
lodged. The petitioner has been implicated merely because she
happens to be the mother of co-accused Shivam Kumar and in
any event no active role had been assigned by her rather she is



simply said to be present in the car. Apart from the said Mansoorchak P.S. Case No. 20 of 2017, the petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge Ist cum Special Judge, POCSO, Begusarai in connection with POCSO Case No. 46 of 2018 arising out of Mansoorchak P.S. Case No. 45 of 2018 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall be well represented in Court on each and every date during trial except as and when directed by the learned Court to be physically present, and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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