

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14246 of 2020

Arising Out of PS. Case No.-132 Year-2019 Thana- BARH District- Patna

Neelam Devi @ Nilam Devi, aged about 48 years, Female, Daughter of Late Rupchand, resident of Chitratoli Gola Mohalla, P.S.- Ngar (ARA), District - Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 18-12-2020 Heard Mr. Aditya Nath Pandey, learned counsel for the petitioner and Mr. Uma Shankar Prasad Singh, learned counsel for the State through video conferencing.

Petitioner seeks regular bail in connection with Spl. Case No. 46 of 2019 (arising out of Barh P.S. Case No. 132 of 2019) registered under Sections 370, 376 (A), (B) of the I.P.C. , Section 4 and 6 of the POCSO Act and Section 3 , 4 , 5 , 7 of the I.T.P. Act 1956.

The allegation as per the First Information Report is that the minor girl, who was kidnapped has been recovered from the house of the co-accused: Usha Devi and the victim has stated before the Police that the co-accused: Usha Devi along with the petitioner and others used to run brothel by engaging



minor girls in the business of prostitution forcibly for earning money.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and she has falsely been implicated in this case. Learned counsel further submits that petitioner is not concerned with the kidnapping and confinement of the victim girl and she has been dragged in the case without any material on record. Learned counsel further submits that similarly situated co-accused/ Sanjay Kumar has been granted bail by this Court in Cr. Misc. No. 70619 of 2019. Learned counsel further submits that petitioner is in custody since 12.03.2019.

On the other hand learned counsel for the State referring to the case diary submits that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and the victim girl who is minor, aged about 14 years, in her statement before the learned Magistrate has supported the allegation against the petitioner and has stated that the petitioner along with another lady used to force the victim to engage herself in prostitution. Learned counsel further submits that order relied upon by learned counsel for the petitioner granting bail to the similarly situated person is not applicable in this case inasmuch



as in that case the victim girl did not state anything against the petitioner - Sanjay Kumar.

Having regard to the submissions made by the parties and taking into consideration the materials available on record and the fact that the victim girl has specifically stated against the petitioner and has supported the prosecution case, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the same is rejected.

However, the petitioner may renew her prayer for regular bail after completion of a period of one year from today , if the trial does not show any progress.

(Anil Kumar Sinha, J)

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