

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20804 of 2020**

Arising Out of PS. Case No.-40 Year-2020 Thana- SAHAYAK NAGAR District- Katihar

Munni Devi W/o Laxman Paswan R/o-Shitla Asthan, P.S.-Katihar (S),  
District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      06-07-2020                      The matter has been taken up through virtual Court proceeding.

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

Since the physical court proceeding is non-functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.

The petitioner is languishing in custody since 16.01.2020 in a case registered for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences



Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Mira Devi submitted to Station House Officer, Sahayak Police Station, is to the effect that on 05.11.2019, the 16 years old daughter of the informant, name changed 'X' went to school but she did not return. During search, the informant was informed that co-accused Laxman Paswan, the husband of the petitioner, has enticed away the daughter of the informant. Thereafter, the informant went to the house of the petitioner where she found that none were present there and when the informant called on the mobile phone of the petitioner, she was conveyed that the petitioner no knowledge about the daughter of the informant. It is alleged that on 09.01.2020, the brother of the petitioner informed the informant that your daughter is with Laxman Paswan, the husband of the petitioner, at Siliguri and she was also conveyed by one Rajesh Kumar that the victim was being kept in Sharifganj, thereafter, the informant went to Sharifganj where she came to know that her daughter is in the house of one Uttam Paswan. In 164 Cr.P.C. statement of the victim, she stated against the petitioner that she forced by the petitioner to share bed with Laxman Paswan.



It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused Laxman Paswan, the husband of the petitioner and even assuming the accusation, neither the offence under POCSO Act nor 366A IPC is made out against the petitioner. It is further submitted that during medical examination, no mark of injury on the private parts of the victim has been found and she was found to have carrying pregnancy. The petitioner is a lady and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the victim was forced by the petitioner to share bed with co-accused Laxman Paswan.

Considering the fact that the thrust of accusation is against the husband of the petitioner, investigation has already been concluded and petitioner being a lady, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Katihar Sahayak P.S. Case No. 40 of 2020.

However, in view of the present pandemic



COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Katihar Sahayak P.S. Case No. 40 of 2020.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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