

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4854 of 2019

Arising Out of PS. Case No.-40 Year-2018 Thana- MAHILA P.S. District- Muzaffarpur

MADHU KUMARI @ SAISTA PERVIN @ SAISTA, aged about 39 years,
Female, D/O Late Vishwanath Singh @ Vishwasnath, Resident of Mohalla -
Choti Bazar Gudri, P.S.- Muzaffarpur Town, District- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Md. Shahnawaz Ali
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 22-05-2020 Heard Mr. Shahnawaz Ali, the learned counsel
appearing on behalf of the appellant and Mr. Binay Krishna, the
learned Special P.P.

This case is taken up through video conferencing.

The appellant filed this appeal for grant of bail in
Muzaffarpur East Mahila P.S. Case No.40 of 2018, corresponding
to Trial No.114 of 2019 for the offences allegedly committed by
the appellant under Sections 188, 363, 366A, 406, 409, 420, 467,
468 and 120B/34 of the Indian Penal Code and under Sections 3(i)
(z) of the SC/ST Act.

The gist of the allegation against the appellant is that the
appellant is one of the Promoters of N.G.O. Seva Sankalp and
Vikas Samiti who runs Swadhar Grih under Social Welfare
Department Scheme. The appellant and other workers of N.G.O.



kept 11 women in the reformatory house but when the house was again inspected on 09.06.2018, all women kept therein were found missing.

Mr. Shahnawaz Ali, the learned counsel appearing on behalf of the appellant submits that the N.G.O. was registered in the year 1987 and at that time the appellant was minor aged about 7 years. The date of birth of the appellant is 4th June, 1980. The only allegation against the appellant is that the appellant was also a Promoter of N.G.O. who under the scheme of the Social Welfare Department keeps abandoned women in the reformatory house but there is no allegation against the appellant that the appellant misbehaved or kidnapped any women or forced them to sexual intercourse. The appellant is in jail since 07.01.2019. The appellant has already remained in jail for more than one year and four months. The trial has not yet been concluded.

Mr. Binay Krishna, the learned Special P.P. on the contrary submits that the appellant has already been convicted in RC0922018s0001, arising out of Muzaffarpur Mahila P.S. Case No.33 of 2018. In that case many women/minors were forced to have physical relation. Brijesh Thakur and the appellant and others were found indulged in forcing the minors and other women for sexual intercourse against their wishes and they have already been convicted by a C.B.I. Court of Delhi as the trial of the case was



transferred to Delhi by the order of the Hon'ble Supreme Court. In this case also there is allegation against the appellant that she was the core associate of Brijesh Thakur and from the reformative house many women were found traceless.

Taking into consideration the facts and the nature of allegations made against the appellant, I am not inclined to enlarge the appellant on bail as she has also been convicted in another case. Accordingly, the prayer for bail of the appellant is rejected.

The appeal is dismissed/

The trial court is directed to hold the trial on day to day basis and conclude the same within four months from the date of receipt of this order.

Let a copy of this order be sent to the S.S.P., Muzaffarpur for ensuring the attendance of the witnesses so that the trial must be concluded within four months from the date of receipt of this order.

If the trial is not concluded within four months, the appellant, if so advised, may renew her prayer for bail.

(Prabhat Kumar Jha, J)

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