

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.87493 of 2019**

Arising Out of PS. Case No.-30 Year-2017 Thana- MAHILA THANA District- Begusarai

NAGMA DEVI @ NAZMA Son of W/o Bateshwar Paswan Resident of
Village - Harpur, Ward no.1, Julahatola, P.S.- Alauli, Distt.- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 25-09-2020 Heard learned counsel for the petitioner and Dr.
Indihar Kumari, learned A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest
bail in connection with POCSO Case No. 61 of 2017 arising out
of Mahila P.S. Case No. 30 of 2017 registered for the offence
under Sections 370, 373, 323, 341, 34 of the Indian Penal Code
and Section 14 of POCSO Act and Section 5 of Immoral Traffic
Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and her name has been taken by her
distant relations one Kundan Khalifa who is on inimical term
with the petitioner. It is his submission that this petitioner had
brought the victim girl to the house of Kundan Khalifa.

Learned counsel submits that the victim girl is said to



have returned after about six months but the instant case has been registered with a delay of over 10 days after she returned back. In her 164 Cr.P.C. statement she has not disclosed the identity of this petitioner and there is no allegation that the victim girl had been subjected to any sexual harassment, she was allegedly washing the utensils in Hotel which was being run by co-accused Rekha Devi to whom she was sold by one Ranjan Khalifa. The petitioner has otherwise no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner, however considering the facts and circumstances of the case wherein the identity of the petitioner has not been disclosed and that there is no other material to connect the petitioner,

Let the petitioner above-named in the event of her arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - 1st – cum – Special Judge, POCSO Act, Begusarai, in connection with POCSO Case No. 61 of 2017 arising out of Mahila P.S. Case No. 30 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

