

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12515 of 2021**

Arising Out of PS. Case No.-592 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

KHUSBU KUMARI @ KHUSHBU KUMARI Wife of Shiv Pujan Kumar @
Pajam Chaudhary Resident of Village - Damodar Nagar Sector B P.S. -
Hajipur Sadar, Dist. - Vaishali at Hajipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 10-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 and other sections of the Indian Penal Code, sections 3, 4, 5, 6, 7 and 9 of the Immoral Traffic Prevention Act, sections 12(8) and 12 of the POCSO Act and sections 26 and 75 of the Juvenile Justice Act.

As per allegations in the FIR, the petitioner along with others are stated to have taken the minor victim in their grip and the said victim was tortured and sexually exploited in the manner described in detail in the FIR.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and



concocted. She was herself living in a rented premises after having differences with her parents and thus she was definitely not a minor. The cause of false implication of the petitioner is a case under section 364 IPC. On oral instruction it is submitted by learned counsel for the petitioner that Hajipur Sadar P.S. Case no. 150 of 2020 was registered by this petitioner for the kidnapping of her husband wherein the police personnel had been made accused and in which charge sheet has been submitted. It is soon thereafter that in retaliation of the said case, the petitioner has been falsely implicated in the present case. She is in custody since 27.9.2020 and there is no chance of the trial concluding in the near future.

Heard learned APP for the State.

A report was called for from the learned Court below. As per report contained in letter dated 17.7.2021 charge was framed in the case on 13.1.2021 and out of 10 charge sheet witnesses 6 witnesses have been examined on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the nature of allegations together with the trial in the learned Court below having proceeded, the Court is not inclined to enlarge the petitioner on bail and the



application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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