

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14666 of 2021**

Arising Out of PS. Case No.-318 Year-2020 Thana- SHERGHATI District- Gaya

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GURIYA JHA W/O MANOJ JHA R/O VILLAGE-JHARIYA AAINA
KOTHI, P.S-JHARIYA, DISTRICT-DHANBAD (JHARKHAND).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

In course of hearing of the matter, this Court has been informed that the link of this case has been sent to Ms. Sangeeta Sharma, learned APP but she is not present. Mr. Akhileshwar Dayal, learned APP who is said to be the Incharge of the Court has, thus, appeared on behalf of the State.

At this stage, Mr. B.N. Pandey, learned APP has intervened and submitted that because the name of the learned APPs are not being printed in the cause list, the APPs are unable to know as to in which case he/she has received the link. It is



informed that the office of learned Advocate General provides the list of the names of the learned APPs to the Computer Section as well as to the Technicians of the Court, on the basis of the said list only the links are being sent but the names are not being printed on the cause list.

This Court is concerned with the problem being faced by the learned APPs. It has twofold consequences, firstly, learned APP who has been assigned the brief is not appearing sometimes because he/she is not aware that in which case he/she has to appear and then this Court has to request the learned APP Incharge of the Court to appear in the matter but on the subsequent date, the learned APP who has been assigned with the brief appears and takes an exception to the appearance of the learned APP Incharge pointing out the difficulty which is being faced by him/her.

Let this be brought to the notice of the office of learned Advocate General as well as the Registrar (List and Computer). It is expected that the problem would be duly addressed and some workable resolution be arrived at.

Be that as it may, Mr. Akhileshwar Dayal, learned APP Incharge has assisted this Court.

The petitioner in the present case is seeking regular



bail in connection with Sherghati P.S. Case No. 318 of 2020 registered for the offences punishable under Sections 370, 372, 373 and 34 of the Indian Penal Code

Learned counsel for the petitioner submits that as per the prosecution story, the informant was married to one Ritesh Kumar. She had got two children out of the same wedlock but thereafter they had separated. She was working as a maid in the household of co-accused Manju Devi and over the period she discussed about her marriage with a person related to said Manju Devi. The informant alleged that after the said discussion, she was called to meet the family of the boy in a hotel where she met the boy, namely, Dilip Saw and she consented to marry with the said Dilip Saw. The informant, however, alleged that later on when she was asked to marry on the same day, she refused and said that first of all she will bring it to the notice of her children and another family members but then she was being forcibly taken by the family members of said Dilip Saw after putting sindoor and while she was being taken to Udaypur from Jhariya, she shouted and then police party arrested the accused persons including this petitioner.

The allegation is that the informant claims that she was sold by this petitioner and the co-accused. This fact she



came to know while going with Dilip Saw.

Learned counsel for the petitioner submits that the petitioner has no concern with the family of Dilip Saw, she has been falsely implicated in this case only because the informant had some grudge against the petitioner as both of them are from the same place and village.

Learned counsel further submits that the petitioner is in custody in connection with the present case since 05.07.2020, investigation against her is complete and prior to the present case, the petitioner had no criminal antecedent.

Mr. Akhileshwar Dayal, learned APP for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case wherein this Court has noticed that the informant is major and she herself accepts the fact that she was willing to marry Dilip Saw after meeting him and the family members, in the nature of the allegations and the materials before this Court as also the fact that the petitioner is in custody for almost one year, the investigation is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two



sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati, Gaya in connection with Sherghati P.S. Case No. 318 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.



The application stands allowed.

Let a copy of this order be sent to the office of learned
Advocate General as well as to the Registrar (List and
Computer) for necessary action.

(Rajeev Ranjan Prasad, J)

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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'.

