

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19161 of 2021

Arising Out of PS. Case No.-56 Year-2018 Thana- NARHATT District- Nawada

Karo Devi aged about 23 years Wife Of Mahesh Prasad R/O Village- Mafi,
P.S.- Warisaliganj, Dist.- Nawada

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Man Mohan Kumar, Advocate

For the Opposite Party : Mr. Umesh Lal Verma, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-03-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered for the offence punishable under sections 366A/354B/506 of the Indian Penal Code, section 8 of the POCSO Act and section 66 of the I.T. Act.

As per the prosecution case, minor daughter of the informant got traceless and later on the informant came to know that co-accused Bhanu Pratap, in conspiracy with other co-accused persons, kidnapped her. Petitioner is aunt of said Bhanu Pratap.

Learned counsel for the petitioner submits that the victim has been recovered and in her section 164 Cr.P.C. statement she has clearly alleged that co-accused Bhanu Pratap took her to different places and also committed illegal act with



her. Learned counsel submits that the only material has come during course of investigation that the said co-accused Bhanu Pratap concealed the victim at the house of his aunt, i.e., the petitioner and save and except this, no other material has been collected against the petitioner. Similarly situated co-accused persons have already been allowed anticipatory bail by a co-ordinate bench of this Court vide order dated 16.8.2018, passed in Cr.Misc.No. 44414 of 2018(Annexure 3). Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 30.12.2020.

Considering the facts and circumstances of the case and the fact that no overt act has been alleged against the petitioner by the victim in her section 164 Cr.P.C. statement and the petitioner has got no criminal antecedent and similarly situated co-accused have already been allowed anticipatory bail by a co-ordinate bench of this Court, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI cum Special Judge, POCSO Act, Nawada in Narhat (Sitamarhi) Police Station Case No. 56 of 2018 on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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