

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17351 of 2021

Arising Out of PS. Case No.-237 Year-2020 Thana- ITARHI District- Buxar

JYOTI DEVI Wife of Sanjay Chauhan Resident of Village - Kochadhi, P.S.-
Rajpur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending her arrest in a case
registered under Sections 365, 367, 368 and 370/34 of the
Indian Penal Code.

The prosecution allegation, in short, is that the accused
persons including the petitioner abducted the victim and sold



her.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. On behalf of the petitioner, it is submitted that the trial of the present case was separated and in the deposition of the victim recorded in the trial of the other co-accused of the present case, the victim has denied the occurrence. The statement of the victim is Annexure-2 to the supplementary affidavit filed on behalf of the petitioner. Other co-accuseds have been granted anticipatory bail vide order dated 24.11.2021 passed in Cr. Misc. No. 17698 of 2021 and vide order dated 27.01.2022 passed in Cr. Misc. No. 17735 of 2021.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the



present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on her personal bonds to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Itadhi P.S. Case No. 237/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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