

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9939 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- THAKRAHA District- West Champaran

INDU DEVI W/o Sahi Mallah @ Sahi Chaudhari R/o Village - Rupa Tola,
P.S. - Thakraha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Thakraha
P.S. Case No. 13 of 2021 registered for the offence under
Sections 363, 366A and 34 of the Indian Penal Code and Section
8 of the POCSO Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 27.08.2021.

The allegation against the petitioner is to kidnap the
minor daughter of informant, along with other co-accused
persons for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is neighbour of informant and due to neighbourhood disputes and differences, the name of the petitioner has been falsely implicated in the present case. It is further pointed out that petitioner was not initially named in the FIR, subsequently, while recording statement of victim under Section 164 of the Cr.P.C., name of the petitioner surfaced first time, where, the allegation is limited only to call the victim from her home in late evening to attend the call of nature. It is further submitted that there is no allegation of kidnapping and sexual assault available against this petitioner, who is a lady of clean antecedent, as per statement of victim. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as allegation of kidnapping and sexual assault is not available against this petitioner through statement of victim as recorded under Section 164 of the Cr.P.C., where, petitioner is a lady of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Thakraha P.S.
Case No. 13 of 2021 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned Additional District and
Sessions Judge 7th – cum – Special Judge, POCSO, Bettiah,
West Champaran/concerned court, subject to the condition as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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