

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18645 of 2022

Arising Out of PS. Case No.-211 Year-2021 Thana- GAUNAHA District- West Champaran

Chandani Devi Wife Of Krishna Patel R/O Village- Purainiya, P.S.- Manpur,
District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-07-2022 Heard learned counsel for the petitioner and the
State.

The petitioner is in custody in connection with Gaunaha P.S. Case No. 211 of 2021 under sections 366A/379/34 of the Indian Penal Code and 8 of POCSO Act.

The allegation in the FIR is that when the informant's wife was on a morning walk, she saw that Jairam Patel along with other accused persons is taking her daughter namely Nandani Kumari on a motorcycle. Later, it came to the notice from the "Almirah" in the room, Rs.1,55,000/-as also some ornaments were found missing. The informant along with the other villagers approached the house of Jairam Patel and was assured that the girl will be brought back but as she failed to return, this FIR was lodged.



Learned counsel for the petitioner submits that she has no role to play in the alleged eloping of the victim girl. It has further been averred by him that the petitioner is married sister of the accused Jairam Patel and is residing away from her matrimonial home. Only because she belongs to the family of the accused Jairam Patel, she has been implicated in this case and has suffered a lot by being in jail since 24.12.2021 (as stated in para-10 of the bail application).

Taking into account the fact that the lady is married and residing away from the matrimonial home, the specific allegation has been made against Jairam Patel, charge-sheet stands submitted and she is in jail since 24.12.2021 as also the fact that she has no criminal antecedent, this Court is inclined to grant her the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Additional Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, West Champaran, in connection with Gaunaha P.S. Case No. 211 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail her cancellation of bail by the Trial Court itself;

(iii) she shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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