

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.33699 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- MAHILA P.S District- West Champaran

Ritika Goswami @ Payal W/o Prabhakar Kumar Giri R/o village- Madhukunj
Nagar, Banwariya, P.S.- Shikarpur, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Sumit Kumar Jha

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Bettiah
(Mahila) P.S. Case No. 29 of 2020 registered for the offences
punishable under Sections 364, 450, 506, 372, 373, 374, 120B,
376(D)(B) of the Indian Penal Code and Section 3, 4, 5, 6, 7 & 8
of Immoral Trafficking Act and Section 4, 17 of Pocso Act and
Section 75, 81 of Juvenile Justice Act.

According to prosecution case that the informant in
her fardbeyan stated one Mala Devi took her and her mother to
her house where they found some suspicious persons present
over there. Mala Devi gave food to eat and after consuming that



they felt unconscious and ultimately they found themselves in an unknown room where sex racket was running where they were sexually assaulted by unknown persons and they were compelled to do so.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that the specific allegation as per FIR is against unknown persons. He further submits that the petitioner has no role in the occurrence. He further submits that similarly situated, co-accused, namely, Soni @ Soni Goswami @ Kritika has been granted bail vide order dated 03.01.2022 in Cr. Misc. No. 42159 of 2021 and another co-accused Mala Devi has been granted bail by a co-ordinate Bench of this court vide order dated 30.11.2021 passed in Cr. Misc. No. 29261 of 2021. He further submits that police after investigation has submitted charge-sheet against another co-accused on 14.2.2021.

The petitioner is in custody since 19.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be



released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned learned Special Judge, Pocso cum ADJ-Vith, West Champaran, Bettiah, in connection with Bettiah (Mahila) P.S. Case No. 29 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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 his 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.

(Rajesh Kumar Verma, J)

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