

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32788 of 2022

Arising Out of PS. Case No.-4 Year-2021 Thana- TISIAUTA District- Vaishali

1. Kari Devi W/o Sardar Singh @ Sardar Sahni R/o village, P.O. and P.S.-
Tisiauta, District- Vaishali
2. Sardar Singh @ Sardar Sahni S/o Janak Sahni R/o village, P.O. and P.S.-
Tisiauta, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-12-2022 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 Tisiauta
P.S. Case No. 04 of 2021 registered for the offence under
Section 363 and 366 (A) of the I.P.C.

At the outset, it is submitted that present bail is
limited with Petitioner No.-1.

The accused/petitioner is not named in the F.I.R. and
is in custody since 07.03.2022.

As per F.I.R., allegation is available against named



co-accused, namely, Chandan Kumar to kidnap the minor daughter of informant for the purpose of illicit intercourse, where, while recording statement of victim, it was stated that the petitioner no. 1, alongwith other co-accused persons kidnapped her, after administering intoxicating substances through injection and further to sell her against consideration of Rs. 1,00,000/- (Rs. One lakh) for the purpose of prostitution.

Learned counsel appearing on behalf of the petitioner submitted that the entire allegation is available against named co-accused person, namely, Chandan Kumar, where not even the suspicion was raised by informant against petitioner no. 1, while lodging F.I.R. It is further submitted that administering intoxicant is also not available specific against petitioner no. 1. It is also submitted that victim appears to be major and her age is about 19 years, as per medical examination and no marks of sexual assault was found, during medical examination of the victim. It is also submitted that the one of the co-accused person of this case, namely, Sardar Singh (Petitioner No.2) has already been granted bail by one of the learned Co-ordinate Bench vide order dated 01.09.2022. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there



is no chance of tempering with the evidence.

Learned APP, duly assisted by learned counsel for the informant, while opposing the prayer of bail submitted that the petitioner no.1 is wife of petitioner no. 2 (who is on bail) are actively participated in occurrence.

Considering the facts and circumstances as mentioned above, as petitioner no. 1 is a lady, who is in custody since 07.03.2022, coupled with the fact that charge-sheet has been submitted, let the petitioner no. 1, above named, are directed to be released on bail in connection with Tisiauta P.S. Case No. 04 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 Judicial Magistrate, 1st Class, Vaishali at Hajipur, District- Vaishali/concerned Court, subject to the conditions as mentioned :

(i) The Petitioner no. 1 will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate



the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Chandra Shekhar Jha, J)

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