

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33070 of 2022

Arising Out of PS. Case No.-42 Year-2020 Thana- MAHILA P.S. District- Saharsa

Kajal Devi, W/o Yogesh, Resident of Ghaziabad, P.S.- Ghaziabad, District- Ghaziabad, State- Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and the learned APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Saharsa Mahila P.S. Case No.42/2020 instituted under Sections 342,376(3), 373,120B and 509 of the Indian Penal Code and Section 3,4,5(1)(d),6,7 of Immoral Traffic (Prevention) Act, 1956, and Section 6 of the POCSO Act.

Learned counsel for the petitioner submits that contrary to the allegations made in the FIR, the petitioner too is victim of circumstance like the informant and was lured on the pretext of job from Ghaziabad to place of occurrence and got herself implicated in the matter.



He further submits that if granted bail, the lady will abide by all the terms and conditions that may be imposed by this Court. It is the last submission that she has clean antecedent and is custody since 30.12.2020 (as stated in para-11 of the bail application).

Learned APP opposes the bail and submits that her role as a partner in the crime cannot be ignored.

Considering the fact that she is a lady, has no criminal antecedent, is in custody since 30.12.2020 as also that the charge sheet has been submitted and she is ready to abide by all the terms and conditions imposed, this Court is inclined to grant her privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Saharsa Mahila P.S. Case No.42/2020 to the satisfaction of learned Additional Sessions Judge, Ist-cum-Special Judge, POCSO, Saharsa, subject to following conditions:

(i) both the bailors should be the local from the same district in which the FIR has been lodged;

(ii) she shall appear before the Trial court diligently on each and every date and failure to do so will entail



cancellation of her bail bond;

(iii) the petitioner 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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