

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33468 of 2022

Arising Out of PS. Case No.-62 Year-2019 Thana- MAHILA P.S BAGHA District- West
Champaran

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Rita Devi, W/o Shiv Shankar Sah, R/o Village- Shastri Nagar, Ward No. 15,
P.S.- Bagaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-07-2022 Today this case has been listed out of turn on the

motion slip filed by the learned counsel for the petitioner.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Vijay Kumar Singh, learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bagha Mahila P.S. Case No. 62 of 2019
registered for the offences punishable under Sections 366(A)/34
of the Indian Penal Code and Section 4 of the POCSO Act.

As per prosecution case, it is alleged that on
14.11.2019 when the daughter of the informant went to attend



nature call, in the meantime, all the accused persons including Manoj Yadav and Ajay Giri kidnapped his daughter for the purpose of marriage. It is further alleged that when his daughter did not return, search was made and thereafter he came to know that his daughter is present at the Sasural of the nephew (Bhagina) of Manoj Yadav and thereafter she brought to her house and thereafter the present case has been lodged.

It is submitted by the learned counsel appearing on behalf of the petitioner that with regard to an occurrence, which is said to have taken place on 14.11.2019, surprisingly the present F.I.R. has been instituted on 22.11.2019. It is next submitted that from the F.I.R. it is evident that the victim girl was taken away on a Bolero vehicle by co-accused Manoj Yadav and Ajay Giri. It is also submitted that after returning of the victim girl, her statement under Section 164 of the Cr.P.C. was recorded, but she has not made any allegation against the petitioner. It is lastly submitted that the person, against whom there was specific allegation, namely, Manoj Yadav, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 28869 of 2021 vide order dated 27.09.2021 and moreover the police after investigation submitted final form showing the petitioner as innocent, however, differing with the



final form, the learned court below has taken cognizance of the offences against the petitioner also. The petitioner is in custody since 31.03.2022 having fair antecedent.

On the other hand learned APP for the State fairly submits that the police after investigation submitted final form showing the petitioner as innocent.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is a lady and there is no specific allegation of any overt act against her, apart from the fact that the police has submitted final form showing her innocent and moreover, other co-accused persons, having specific allegation, have been granted bail by the learned co-ordinate Benches of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII -cum- Special Judge (POCSO), West Champaran in connection with Bagaha Mahila P.S. Case No. 62 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner 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.

(Harish Kumar, J)

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