

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58753 of 2021

Arising Out of PS. Case No.-291 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

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Rekha Devi, Wife of Late Arvind Sah, R/O Village- Jamalpur, P.S.- Gogri,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
For the Opposite Party/s : Mr. T. Apeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sahebpur Kamal (S. Kamal) P.S. Case No. 291
of 2020 for the offences punishable under Sections 363 and
366(A)/34 of the Indian Penal Code.

As per prosecution case, it is alleged that the younger
sister of the daughter-in-law of the informant was living with
her for the last 10 years. On 09.07.2020, she was found
disappear. The informant suspected the role of one Sulekha Devi



and this petitioner.

It is submitted on behalf of learned counsel for the petitioner that for the occurrence, which took place on 10.07.2020, the F.I.R. was registered on 13.09.2020 after more than two months. It is further submitted that the petitioner is a lady, aged about 55 years having no criminal antecedent and is in custody since 29.07.2021. It is further submitted that as per the Adhar card, the age of the victim on the alleged date of occurrence was 19 years and further she recovered from Rajasthan and the victim categorically stated in her statement recorded under Section 164 of the Cr.P.C. that it is Sulekha Devi, who have taken her to Rajasthan and so far as this petitioner is concerned there is allegation that she has also played role in selling the victim. It is lastly submitted that Sulekha Devi, against whom the entire allegation revolving has already been granted bail by the court below itself, as is evident from the impugned order.

On the other hand, learned APP appearing on behalf of State vehemently opposes the bail application and submits that the victim has supported the prosecution case.

Having heard the learned counsel for the parties and taking into consideration the fact that there is delay of more than



two months in lodging the F.I.R. and the name of the petitioner has been suspected, as she has played role in selling the victim, apart from the fact that co-accused Sulekha Devi has already been granted bail by the court below itself and this petitioner is in custody since 29.07.2021 having no criminal antecedent, 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 Chief Judicial Magistrate, Begusarai in connection with Sahebpur Kamal (S. Kamal) P.S. Case No. 291 of 2020 subject to the condition that one 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) He will remain present on each and every date of trial till disposal of the case. (iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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