

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60198 of 2021

Arising Out of PS. Case No.-436 Year-2020 Thana- MAJHAULIA District- West Champaran

BINDA DEVI W/o Yogendra Mukhiya Resident of Village - Bekhbara Ward
No.4, P.s.- Majhauilya, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Majhauilya P.S. Case No. 436 of 2020 registered for the alleged offences under Sections 366A, 494 and 34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

The prosecution case is that the petitioner and other co-accused persons enticed away the minor daughter of the informant for the purpose of marriage.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.



Allegation are quite vague against the petitioner and other co-accused persons. There is delay of four days in lodging of the FIR and there is no any satisfactory explanation for the said delay. The statement of the victim girl has been recorded under Section 164 of the Cr.P.C and she has not assigned any specific role to this petitioner except stating that she asked other co-accused persons to stay in her house. Other co-accused persons have been granted anticipatory bail by a Coordinate Bench vide order dated 08.12.2021 passed in Cr. Misc. No. 10934 of 2021. However, the petitioner was arrested and the order in her favour become infructuous. Charge sheet has been submitted in this case and the petitioner is in custody since 21.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that she was instrumental in enticing away the daughter of the informant and it is also apparent from the statement under Section 164 of the Cr.P.C. that the daughter of the informant was enticed by the petitioner and other co-accused persons.

Perused the records.

Having regard to the fact that the specific allegation is against the co-accused Prem Mukhiya and allegation against this petitioner and other co-accused persons are general and vague and similarly placed co-accused persons have been granted



anticipatory bail and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge -cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 436 of 2020, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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