

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4381 of 2023**

Arising Out of PS. Case No.-317 Year-2020 Thana- NATHNAGAR District- Bhagalpur

Vimli Devi Wife Of Late Sarjan Mandal R/O Village- Digghi, Purabtola, P.S.-
Nath Nagar (MADHUSUDANPUR), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr.Anant Kumar 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 06-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 29.07.2022 in connection with Nathnagar (Madhusudanpur) P.S. Case No. 317 of 2020 and POCSO Case No.86 of 2020, F.I.R. dated 31.05.2020 registered for the offence punishable under Sections 366A/34 of IPC and Section 8 of POCSO Act.

The prosecution case, in short, is that the informant alleged that on 27.05.2020 at 7.00PM when his daughter aged about 15 years went to toilet in the field and while returning she was kidnapped by accused persons with wrong intention. It is further alleged that Sarguun Kumar was having evil eyes on his daughter and in this offence his sister Vimli Devi has



also played permanent role.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case merely on the basis that the petitioner is sister of the co-accused, namely, Sargun Mandal. Further submits that as a matter of fact that the victim was in love with the brother of the petitioner and they have performed the marriage and there is no acquisition against the petitioner and the brother of the petitioner namely, Sargun Mandal has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 27.05.2021 passed in Cr. Misc. No.5421 of 2021 and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 29.07.2022 .

Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO Act, Bhagalpur in connection with Nathnagar (Madhusudanpur)



P.S. Case No. 317 of 2020 and POCSO Case No.86 of 2020,with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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