

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20654 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- JALALGARH District- Purnia

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DURDANA KHATOON, Wife of Rahbar, Resident of Village - Lakhnare,
P.S.- Jalalgarh, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.N.K. Agrawal, Sr. Advocate Mr.Ram Prawesh Kumar, Advocate Mr.Kumar Rajdeep, Advocate
For the State	:	Mr.Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 06-02-2023 Heard learned senior counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with Jalalgarh P.S.
Case No. 11 of 2022 registered for the offence punishable under
Sections 342, 363, 365, 384, 386, 506, 120(B) and 34 of the Indian
Penal Code.

As per the FIR, the victim was assured by one Babu Shah,
that his labour charges would be paid if he came in contact with a
person whose details including phone number was given to him. The
victim, thereafter, made contacts on the telephone number and was
allegedly allured to come to a place in Purnea where he has been
chained and confined. The other accused persons who have chained
and confined the victim have specifically been named in the FIR. It is
alleged that they were asking him to get Rs.2,00,000/- (Two lakh



rupees) from the person who has sent him from *Bengal* as this amount was due to them on account of certain transactions between those parties, who were dealing in contraband (*Ganja*).

Learned senior counsel for the petitioner submits that FIR as well as victim's statement under Section 164 Cr.P.C. at best states that the third destination where the victim was confined, by the other named co-accused persons, was in the petitioner's house. There is no allegation of mistreatment or torture attributed to the petitioner. Allegations in this regard are also leveled against other named accused persons Laddu, Kaisar, Mukhiya Naiyer and two unknown persons. The petitioner, a female, has in fact become a victim of the circumstances and having no antecedents, she is in custody since 19.01.2022. Moreover, investigation is also complete.

Learned APP for the State has opposed the prayer for bail. It is submitted that material has emerged in the investigation and in the statement of the victim that he was confined in three different places, lastly in the house of the instant petitioner.

Considering the rival submissions, material on record, period of custody and fair antecedents, as also the fact that the instant petitioner is a female, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

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 Chief Judicial Magistrate, Purnea, in connection with Jalalgarh P. S. Case No. 11 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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