

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23440 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- RAMGARHWA District- East
Champaran

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KHUSNUMA KHATOON WIFE OF SHEIKH BHUTELI RESIDENT OF
VILLAGE - BELASHPUR, P.S. - RAMGARHWA, DISTT. - EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Ms.Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Ramgarhwa PS case no. 146 of 2022,

registered for the offences punishable under Section 366A/34 of

the Indian Penal Code, Section 8 of POCSO Act and Section

3(1)(w)(i) of the SC/ST Act.

The allegation is regarding the accused persons

namely Sheikh Ehsan, Sheikh Nazir and Tharu Dewan having

kidnapped the victim girl on the alleged date and time of

occurrence, whereafter the informant had gone to the house of

the accused persons including the petitioner herein and asked

them about the whereabouts of the victim girl, whereupon the



accused persons including the petitioner herein had abused the informant.

The learned counsel for the petitioner submits that the petitioner is innocent, she has been falsely implicated in the present case and she is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is not alleged to have kidnapped the victim girl and she is merely a neighbour of the co-accused persons who have been alleged to have kidnapped the victim girl, hence, atleast the petitioner is not having any complicity in the matter. It is also submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.06.2023, passed in Cr. Misc. no. 51873 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner has not been alleged to have kidnapped the victim girl and is merely the neighbour of the informant and the main accused persons who are



alleged to have kidnapped the victim girl and moreover, the petitioner is having a clean antecedent, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge 7th-cum- Special Judge, POCSO Act, East Champaran, Motihari in connection with Ramgarhwa PS case no. 146 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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