

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21542 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

SEEMA DEVI W/O KRIPAL JAISWAL R/O Village and Post- Badhauna,
P.S- Chainpur, Distt.- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhash,Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 18-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 06.01.2023 in connection with Bhabhua P.S. Case No. 146 of 2022, F.I.R. dated 12.03.2022 registered for the offence punishable under Sections 341,342,323,366,376/34 of IPC.

3. As per the prosecution case, husband of the petitioner alongwith some unknown persons kidnapped the victim and kept her confined in a room under the guard of his wife, petitioner. Husband of the petitioner also committed rape with the victim and sold her to another person.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. Further submits that



the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the complaint petition it appears that the date of occurrence is of the year 2018 but the present complaint petition has been filed in the year 2021 after delay of about three years and the statement of the victim was recorded under Section 164 Cr.P.C. in which she has stated different story as alleged in the complaint petition/FIR. Further submits that the trial has began and deposition of the victim as well as her father have been recorded before the learned Trial Court and both have become hostile and the petitioner is in custody since 06.01.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, 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 Special Judge, POCSO-cum-A.D.J.-VI, Bhabhua in connection with Bhabhua P.S. Case No. 146 of 2022, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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