

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22729 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- MAHILA P.S District- West Champaran

Saraswati Devi @ Champa Devi W/O Surendra Bin @ Surendra Mukhiya
Resident of Village- Ninwaliya, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bashishtha Narayana Mishra, Advocate Mr. Brijkishor Mishra, Advocate Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bettiah
Mahila P.S. Case No. 04 of 2023 registered for the offence
under Sections 420, 370, 370(5), 370(6), 372, 373, 376-DA,
420-B/34 of the Indian Penal Code, Sections 4, 6, 8, 17 of the
Protection of Children from Sexual Offences Act, Sections 3, 4,
5, 6, 7, 8 of the Immoral Trafficking Prohibition Act, Sections
3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act and and Section 37 of Bihar
Prohibition Excise Act, 2016.



The accused/petitioner is named in the F.I.R. and is in custody since 25.01.2023.

The allegation against this petitioner is to involve in running a sex racket in private guest house from where two girls with a man were apprehended, where certain objectionable materials were also recovered.

Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case as she was in alleged guest house at the time of occurrence in the capacity of maid servant. It is submitted that even from the statement of victim girls, who were alleged to recover from guest house the maximum incriminating appears against this petitioner as to assure them helping to get job. It is further pointed out that entire Whatsapp chat suggesting sex racket is of different co-accused persons and not of this petitioner. While concluding the argument, it has been submitted that petitioner is a lady of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that it was the petitioner who introduced recovered



victim girls with other co-accused, who were found indulged in alleged sex racket. Learned APP fairly conceded the fact that the objectionable chat suggesting availability of girls and their payment is with other co-accused persons not with this petitioner.

Considering the facts and circumstances as mentioned above, as maximum allegation against this petitioner is to introduce recovered victim girls to co-accused persons for a job, where petitioner is a lady of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.01.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Bettiah Mahila P.S. Case No. 04 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, District- West Champaran/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the



State shall be at liberty to move before the trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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