

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30756 of 2023

Arising Out of PS. Case No.-13 Year-2022 Thana- MAHILA P.S. District- Patna

Vandana Gupta Wife Of Shashikant R/V Plot No. B/6, Bank Of India Colony,
Po- B.V. College, Ps- Shastri Nagar, Distt- Patna At Present Ex-
Superintendent Of Nari- Surksha Grih, Gaighat, Patna City, Patna, At Present
R/V- Nand Lal Chhapra, Ps- Ram Krishna Nagar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Mahila P.S. Case No.13 of 2022 instituted under Sections 341, 323, 328, 450, 354A of the IPC lodged on 09.02.2022 by the informant.

As per the prosecution story, the victim girl 'X' who came to the Remand Home in 2017 alleged that she was assaulted by the petitioner on the ground that she opposed the petitioner allowing boys to enter the Remand Home. She further used to torture the inmates opposing serving of stale food as



also sending the inmates to NGO where the girls were exploited. Accordingly, the FIR.

Learned counsel for the petitioner submits that the police investigated the matter under the supervision of the Assistant Superintendent of Police, Sachivalaya, Patna and final form was submitted vide no.13 of 2022 on 09.02.2022 stating it to be lack of evidence. Further, submission is that a perusal of final form would show that it was submitted only after the same was approved by the then Senior Superintendent of Police, Patna.

He submits that however the learned Magistrate differed from it and took cognizance necessitating her going into judicial custody on 22.09.2022 (para-3 of the petition).

It is his further submission that the cognizance has been taken but there is no sight of trial being taken up/concluded in near future. She is ready to abide by all the terms and conditions imposed, if granted bail.

Learned APP opposes the prayer for bail stating that as Superintendent of the Remand Home, Gaighat, Patna, allegation against her is grave inasmuch as she used to allow the boys to enter for oblique reason as also torture of the girls present there.



Considering the rival submissions put forward by the learned counsel for the petitioner as also learned APP and going through the facts, as stated above, the petitioner is lady, has remained in jail since 22-09-2022 and the Trial is not going to be concluded in recent future, she is ready to abide by all the terms and conditions, this Court is inclined to grant her privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.50,000/-(Rupees Fifty Thousand) with two sureties of the like amount each in connection with Mahila P.S. Case No.13 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Patna, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) she shall surrender her passport, if any, to the concerned court.

The bail application is allowed with aforesaid observation.

(Rajiv Roy, J)

Prakash Narayan

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