

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58397 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- GAUNAHA District- West Champaran

Shanti Devi wife of Lalbabu Sah Village- Nauka Tola Harkatwa P.S.-
Gaunaha Dist- W.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-12-2023 Heard Mr. Dhananjay Kumar, learned counsel
appearing on behalf of the petitioner and the learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection with Gaunaha P.S. Case No. 69 of 2023, registered for the offences punishable under Sections 363 and 366(A)/34 of the Indian Penal Code and Section 3(2)(v-a) of the SC/ST Act and Section 8 of the POCSO Act.

3. The prosecution case is based on the written report of the informant alleging therein, that on 07.03.2023, when she returned to her home from the farm, she found that her daughter was missing from the house. After a week, she has been informed that her daughter was enticed away by co-accused Mukesh Sah for the purposes of marriage, whereupon, she went to the house of the said co-accused, but the accused persons left



their house along with the victim girl.

4. Learned counsel appearing on behalf of the petitioner submits that save and except the fact that the petitioner is mother of co-accused Mukesh Sah, there is no cogent material showing her complicity in the present crime. Moreover, the occurrence alleged to have taken place on 07.03.2023, but the present FIR has been instituted on 25.04.2023, after a delay of more than 50 days without assigning any reason. He further submits that during the course of investigation, the dead body of the victim was found and it has come that she has committed suicide. He lastly submitted that the petitioner is a hapless lady and only because of she being mother of co-accused Mukesh Sah, her name has been implicated in this case.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that specific allegation has been levelled against the petitioner.

6. On the last occasion, vide order dated 20.09.2023, the photo-stat copy of the case diary was called for, however, it is reported that it has not been received at yet.

7. Learned counsel for the petitioner, at this stage, placed the order of the learned co-ordinate Bench of this Court



passed in Cr. Misc. No. 62742 of 2023 and other analogous cases disposed of vide order dated 11.10.2023, granting regular bail to all the accused persons after taking into consideration that there is no eyewitness to the alleged occurrence and only on account of suspicion, the petitioners have been made accused.

8. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a lady, having fair antecedent, and there is no other material suggesting her complicity, let the petitioner above named be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-VII-cum-Special Court (POCSO), West Champaran at Bettiah in connection with Gaunaha P.S. Case No. 69 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

