

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 60343 of 2022**

Arising Out of PS. Case No.-516 Year-2022 Thana- SITAMARHI District- Sitamarhi

TARANNUM BARSII Wife of Md Shahid Alam Resident of Mohalla -
Islampur Road, Boha Tola Ward No.- 9, P.S.- Sitamarhi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Virendra Kumar, Advocate

For the Opposite Party/s : Mr Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 24-01-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Sitamarhi Police Station (for brevity, **PS**) Case No 516 of 2022 registered for the offence punishable under Sections 363, 365, 366A, 370, 370A, 372, 373, 376, 120B/34 of Indian Penal Code, Sections 3, 4, 5, 6 of Immoral Traffic (Prevention) Act (for brevity, the **Act**), 1956, Sections 4, 6 of Protection of Children from Sexual Offences (for brevity, **POCSO**) Act and Sections 75, 79 of Juvenile Justice Act.

Raid has been conducted, as per the prosecution on some tip off regarding illicit activities, carried out in the locality under the Act. It is alleged that a minor victim aged 15 years was recovered from the house of the petitioner. There is also allegation that some articles have been recovered suggesting that activities under the Act were being carried out in the house of the petitioner.

It is submitted by the learned counsel for the petitioner that, at the time of raid, no such activity was being carried out in the petitioner's house nor there is recovery of any person in any



objectionable condition. The petitioner is suffering on account of false accusation and has no concern with the alleged victim and statement of the alleged victim has not been recorded under Section 164 of Criminal Procedure Code. Under the circumstances, the petitioner, a female, having no antecedent, is in custody since 05.08.2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on her furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI -cum- Special Judge (POCSO) Act, Sitamarhi/concerned Court in Sitamarhi PS Case No 516 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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