

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73402 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- SAHARSA SADAR District- Saharsa

ANISHA KUMARI DAUGHTER OF SRI UMESH SARDAR @ MANGAL
SARDAR RESIDENT OF VILLAGE- NARHA, WARD NO. 14/16, PS-
TRIVENIGANJ, DISTT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar Jha, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023

Heard the parties.

2. The petitioner is in custody in connection with Saharsa P.S. Case No. 48 of 2023 for the offence under sections 364 of the Indian Penal Code and 8, 12 of the POCSO Act, 2012 lodged on 21.01.2023 by the complainant, Kalo Devi.

3. As per the prosecution story, the complainant alleged that the accused persons came to her house and took her daughter on a vehicle on 29.05.2022 and released her only on 02.07.2022. This was repeated on 28.08.2022 and Shabnam anyhow managed to escape on 07.09.2022 which followed the complaint and subsequently, the FIR.

4. Learned counsel for the petitioner submits that she is a twenty years girl, her entire family members have been



implicated and has already suffered by being in custody since 19.06.2023 (as stated in paragraph 6 of the petition) and further, the father of the petitioner namely, Umesh Sardar has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 50274 of 2023.

5. Learned APP opposes the prayer for bail both the petitioner and the victim girl used to perform together and in that process, the alleged act took place.

6. Taking into account the submissions put forward by the learned counsel for the parties as also the fact that the petitioner is a young girl of twenty years and do not have criminal antecedent, is in custody since 19.06.2023 and her father has already been granted bail, as stated above, this Court is inclined to extend her the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ADJ-VI, Saharsa cum Spl. Judge POCSO, Saharsa, in connection with Saharsa P.S. Case No. 48 of 2023 subject to the following conditions:

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



his/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 her 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 her bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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