

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69992 of 2023

Arising Out of PS. Case No.-457 Year-2017 Thana- AGAMKUAN District- Patna

Chaneshwari Devi @ Chandrawati Devi Wife Of Shrawan Mahto Resident Of
Village - Badi Pahari, Police Station - Agamkuan, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avnish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Agamkuan P.S. Case No. 457 of 2017 registered on 19.09.2017 for the alleged offences under Sections 365/34 of the Indian Penal Code, however, charge sheet has been submitted under Sections 363, 370, 372, 376, 34 of I.P.C and Sections 4 & 6 of POCSO Act.

3. The instant petition has been filed on behalf of the petitioner due to cancellation of his bail bond on account of misuse of the privilege of bail which was granted to the petitioner order dated 17.01.2019 passed in Cr. Misc. No. 874 of 2019. While granting the bail the Co-ordinate Bench put the condition that petitioner would co-operate in the trial and would



be properly represented on each and every date fixed by the Court and her absence on two consecutive dates without proper and sufficient reason the trial court would be at liberty to cancel her bail bond.

4. The learned counsel for the petitioner submits that petitioner could not abide by the condition as she was not present in the city when her matter was fixed and for this reason her bail bond was cancelled. Learned counsel further submits that the non-appearance of the petitioner was due to reasons beyond her control and as soon as she came to know about cancellation of her bail bond she surrendered before the learned trial court. The petitioner's bail bond was cancelled on 04.07.2023. She surrendered before the learned trial court on 14.09.2023. Learned counsel further submits that prayer for bail of the petitioner may be allowed imposing any condition. The petitioner undertakes not to violate the condition in future.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner did not honor the conditions which were imposed upon her at the time of grant of bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties, the petitioner above



named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIIth cum Exclusive Special Judge, POCSO, Patna in connection with Agamkuan P.S. Case No. 457 of 2017, subject to the conditions mentioned in Section 437(3) of the Cr.P.C.

7. However, it is made clear that the petitioner shall abide by the terms and conditions initially imposed upon her in Cr. Misc. No. 874 of 2019 when she was granted bail vide order dated 17.01.2019. If, there is any further violation of the conditions, this Court may take a very strict action against the petitioner.

8. At the same time, learned trial court is directed to take steps for expeditious disposal of the case since it is an old matter.

(Arun Kumar Jha, J)

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