

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73387 of 2022

Arising Out of PS. Case No.-127 Year-2020 Thana- JALALGARH District- Purnia

Hira Devi W/O Dhirendra Rishi Resident of villaged- Orelabari Khokha, P.S.-
K. Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Jalalgarh
P.S. Case No.127 of 2020 registered for the offence under
Sections 363, 366(A), 504, 506 and 34 of the Indian Penal
Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 08.06.2022.

The allegation against the petitioner is to help the
main co-accused, who is the nephew of this petitioner in
kidnapping the minor daughter of the informant aged about 13
years for the purpose of sexual intercourse/marriage.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner has been falsely implicated in the



present case only for the reason she is aunty (*mausi*) of this petitioner. It is submitted that the allegations what appears maximum against this petitioner as per statement of victim recorded u/S 164 of the Cr.P.C. that the victim was in the house of the petitioner alongwith main co-accused, namely Bimal Kumar. It is also submitted that allegation of kidnapping and sexual assault is not available against this petitioner. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly conceded that petitioner is not named in the F.I.R.

In view of the facts and circumstances as mentioned above as allegations of kidnapping and sexual assault is not available against this petitioner, where petitioner is a lady of clean antecedent coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Jalalpur P.S. Case No.127 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of 6th Additional Sessions Judge-cum-Special Judge (POCSO) Act, Purnea/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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

