

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14091 of 2024

Arising Out of PS. Case No.-465 Year-2023 Thana- DUMRAO District- Buxar

Kalawati Devi @ Asha Devi Wife Of Ashok Prasad @ Ashok Sah R/O
Village- Ghora Aspatal, Near D.S.P. Kothi, P.S.- Dumraon (Naya Bhpjpur
O.P.), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Adv.

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dumraon P.S. Case No. 465 of 2023 instituted for the offence
punishable under Sections 366(A)/34 of the Indian Penal Code
and Sections 8 and 12 of POCSO Act.

3. As per the prosecution case, the petitioner along
with her son abducted the daughter of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. She has
falsely been implicated in this case. Her son is also missing and
she is not aware about the present status of her son and
informant's daughter. She has got no criminal antecedent. There



is no cogent evidence on record to show the involvement of the petitioner in the alleged occurrence.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., and impugned order dated 11.01.2024, it appears that F.I.R. registered under Sections 366(A)/34 of the Indian Penal Code and Sections 8 and 12 of POCSO Act on the basis of typed petition of father of the victim. The F.I.R. has been lodged after the delay of five days from the date of occurrence. Petitioner is an old lady and as submitted by learned counsel for the petitioner that investigation against the petitioner already concluded and submitted charge-sheet. Petitioner is in custody since 03.12.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO Act, Buxar in connection with Dumraon P.S. Case No. 465 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a



period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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