

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41787 of 2024

Arising Out of PS. Case No.-44 Year-2019 Thana- PARSABAZAR District- Patna

Munni Devi @ Munni Kumari W/O- Chhotu Kumar R/O-Mohalla- Gaytri Nagar, Kurthaul, P.S.- Parsa Bazar, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahendra Sharma Son Of Munarik Sharma R/O- Mohalla- Gaytri Nagar, Kurthol, P.S.- Parsa Bazar, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

02. In the present case, the petitioner is apprehending her arrest in connection with Special Case No. 22(A) of 2019 arising out of Parsa Bazar P.S. Case No. 44 of 2019, registered on 10.02.2019 for the offences under Sections 376(A) of the Indian Penal Code and Section 4,6 & 8 of the POCSO Act and Sections 66(c), 66(d) and 67 of the Information Technology Act.

03. As per prosecution case, the minor daughter of the informant was kidnapped by the co-accused Md. Zabir in establishing sexual relationship and he prepared photograph and video of their act and started blackmailing her and forced her to make physical relationship time and again. The name of the



petitioner transpired during investigation for also being involved in the illegal act of co-accused.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR though FIR has been registered on the saying of the victim girl. Even the informant in his restatement did not name this petitioner nor did the victim girl take her name in her statement under Section 161 Cr.P.C. However, in her statement under Section 164 Cr.P.C., under pressure of her guardian, the victim girl named the petitioner even then, no specific allegation has been made against the petitioner except saying that she and one Kajal were also involved. Learned counsel further submits that the petitioner is a lady having two minor child aged about 05 years and 02 years and there is no specific allegation against the petitioner and no recovery has been made from the conscious possession of the petitioner. No photographic or video evidence relating to petitioner were recovered. The petitioner is a housewife having two small children and she is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



vague nature of allegation and further considering the clean antecedent of the petitioner and possibility of false implication, let the petitioner above named, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge- POCSO, Patna/concerned court, in connection with Parsa Bazar P.S. Case No. 44 of 2019,, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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