

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46356 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- KHAGAUL District- Patna

Archana Kumar @ Phoolmati Devi, aged about 26 years (Female), W/O- Jitu Kumar @ Jitu Das, R/O Village- Sonawan Kothiya (Mirchak), P.S.- Didarganj, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Singh, Sr. Advocate & Mr. Rudraak Shivansh Singh, Advocate
For the Opposite Party : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Khagaul P.S. Case No. 62 of 2024 dated 23.02.2024 registered for the offences punishable under Sections 341, 363, 370, 372, 120B/34 of the I.P.C. and Sections 75, 80 and 81 of the J.J. Act, 2015.

3. As per the prosecution case, on secret information, police intercepted a car and a motorcycle and recovered a newly born child from the possession of the co-accused Usha Devi who was sitting in the car and the co-accused Sanju Kumari was sitting on the motorcycle. On interrogation, the co-accused Usha Devi said that she had taken the said newly born child from the co-accused Dr. Parmanand Kumar, Proprietor of *Manipal*



Emergency Hospital, Agamkuan, Patna, and was going to deliver the same to another person. It is further alleged that on disclosure of the co-accused Usha Devi and the car driver Amit Kumar, police alongwith other co-accused persons went to *Manipal Emergency Hospital*, Agamkuan, Patna, where Archana Kumari (petitioner) and the co-accused Rahul Kumar and one newly born child were found and on query they did not give any satisfactory reply. It is alleged that the petitioner and the co-accused persons were involved in the business of child trafficking.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is nothing on record to show that there is any complaint lodged about any child being lost or stolen by any parents or mother of any child and the child so recovered was being sold illegally. It is further submitted that from perusal of the F.I.R., it appears that the petitioner was present at the time when the child in question was recovered from the hospital. The petitioner was employed in the said hospital as a *Sweeper* and neither she is a doctor nor a para medical staff of the said hospital and she has no role to play in any of the activities of the patients who is admitted in the said



hospital. No incriminating article has been recovered from the possession of the petitioner. The other co-accused person has already been granted bail by a Bench of this Court vide Cr. Misc. No. 31679 of 2024 under order dated 11.07.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 24.02.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Danapur in connection with Khagaul P.S. Case No. 62 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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