

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46306 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- Pothia District- Katihar

Sukma Devi Wife Of Sikandar Mistri (Sharma) @ Sikandar Mistri Sharma,
R/o Village- Tikapatti, Ps- Tikapatti, Dist- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Bimal Kumar, the learned counsel for the

petitioner and Mr. Nagendra Prasad, the learned Additional Public

Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

13.03.2024, in connection with Pothia P.S. Case No. 04 of 2024,

FIR dated 13.03.2024, registered for the offences punishable under

Sections 363 and 371 read with Section 34 of the Indian Penal

Code.

3. According to the prosecution case, the wife of

informant was missing since 13.02.2024 and he learnt from friend

and relative that one Sukma Devi has sold his wife to one

Shailendra at the cost of Rs. 60,000/- (Rupees sixty thousand only)

and the informant suspects that Sukma Devi and other co-accused

persons are involved in human trafficking.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and she has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C., in which she has firmly stated the the petitioner has sold her at Lucknow, however, she has not stated anywhere in her statement recorded under Section 164 of the Cr.P.C. that at which dated she had been sold out by the petitioner and bare perusal of the FIR, it appears that the FIR has been instituted after a delay of one month without giving any explanation of the delay. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 13.03.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and no cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence, let the petitioner, above-named, 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 the learned Judicial



Magistrate 1st Class, Katihar, in connection with **Pothia P.S. Case No. 04 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed her criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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