

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51207 of 2024

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

Usha Devi, Female, aged about 48 years, Wife of Surendra Ray, R/O Vill.- Akbarpur, P.S.- Naubatpur, Dist.- Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Harshit Griyaghey, Advocate
For the Opposite Party : Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-07-2024 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.

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 Usha Devi (petitioner) who alongwith other co-accused Amit Kumar and Sangeeta Devi was sitting in the car and the co-accused Akash Kumar who was driving the motorcycle and the co-accused Sanju Kumari was sitting on the said motorcycle. On interrogation, Usha Devi



(petitioner) has 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 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 neither the petitioner is purchaser nor she is the seller of the newly born child. It is further submitted that during the course of investigation, it has come that Dr. Navin Kumar and Dr. Parmanand have sold the said newly born child on a consideration amount of Rs. 1,10,000/- and the buyer are Pintu and Chandani from Bihta whose names have been disclosed by the co-accused Sanju Kumari, Hence, no case is made out against the petitioner. It is further submitted that from perusal of the F.I.R., itself it appears that one motorcycle on which the co-accused Sanju Kumari was a pillion rider and the petitioner was sitting in the car returning to their home and in course of that, the co-accused Sanju Kumari requested the petitioner to keep her newly born child in the car as the newly born child was sleeping and in that capacity,



she has falsely been implicated in the present case. It is further submitted that the other co-accused Sanju Kumari has already been granted bail by a Bench of this Court vide Cr. Misc. No. 34887 of 2024 under order dated 15.05.2024 and the co-accused Akash Kumar has also been granted bail by a Bench of this Court vide Cr. Misc. No. 32417 of 2024 under order dated 11.07.2024. The petitioner is a lady. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 23.02.2024.

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, is directed to 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 Additional Chief Judicial Magistrate-V, Danapur, in connection with Khagaul P.S. Case No. 62 of 2024 with further conditions:-

- (i) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without



reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

(ii) If the petitioner is found involved in any other similar nature of case in future, the prosecution will have liberty to move for cancellation of his bail bonds.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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