

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50730 of 2024

Arising Out of PS. Case No.-183 Year-2024 Thana- SIWAN CITY District- Siwan

Rishu Devi Wife of Mahabir Choudhari R/O Vill.- Chhotpur, P.S.- Siwan
(Mufassil), Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Siwan Town P.S. Case No. 183 of 2024, registered for the offence punishable under Sections 379 and 120(B)/34 of the Indian Penal Code and Sections 75 and 81 of the Juvenile Justice (Children Care and Protection) Act, 2015.

3. Based upon the written report, the prosecution alleges that the petitioner along with others were found indulged in selling of new born baby. On the aforesaid confidential information, the police apprehended the petitioner and two others, who were found in possession of a new born baby, which was handed over to the Specialized Adoption Center.

4. Learned Advocate for the petitioner contended that the petitioner has been working as a Nurse in the Sadar



Hospital, Siwan and the new born baby was none else but the newly born son of her own sister. In fact on the alleged date of occurrence her sister, co-accused *Anita Kumari* and her bother-in-law *Ranjit Kumar* approached the hospital for treatment and the police on suspicion apprehended all of them. Even from the narrations made in the FIR, no case is made out against the petitioner. Moreover, the petitioner is a lady and she is in custody since 13.04.2024. The investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that it is the petitioner, who persuaded her sister to sell the new born baby and in course of selling, they were apprehended.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the materials available on record, which lacks necessary ingredients to constitute substantive offence, coupled with the fact that the petitioner is a lady, having fair antecedent and the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Siwan in connection with Siwan Town P.S. Case No. 183 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(v) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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