

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60884 of 2024

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

Mamta Devi W/o Late Madan Raut R/o vill - Gadhpur, P.S .- Biharsharif,
Distt. - Nalanda, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in a case 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 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 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. The petitioner is not named in the FIR. The name of the petitioner has sprung up in the confessional statement of the co-accused Navin Kumar. 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 the other co-accused Usha Devi has already been granted bail by this Court vide order dated 18.07.2024 passed in Cr. Misc. No. 51207 of



2024. The petitioner is a lady. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of her arrest/surrender within a period of six weeks from today, 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 court concerned, Danapur in connection with Khagaul P.S. Case No. 62 of 2024, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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