

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67591 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Muskan Kumari, aged about 19 years, Female, Daughter of Ashok Sah, R/O Village- Sahuri, P.S.- Chakmeshi, Dist- Samastipur, P/A- Village- Nayak Tola, P.S.- Rosera, Dist- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Md. Hussamuddin Azad, Advocate
For the Opposite Party : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 26-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bibhutipur P.S. Case No. 85 of 2023 dated 11.03.2023 registered for the offences punishable under Sections 376, 420, 120B, 272, 273 of the I.P.C., 3,5,7 and 8 of the Immoral Traffic Prevention Act and Sections 66E, 67A, 67B of the I.T. (Amendment) Act, 2000.

3. As per the prosecution case, the informant being the Choukidar has alleged in the F.I.R., that some days ago, the former Mukhiya, namely, Surendra Prasad Singh and his associate, namely, Satya Narayan Singh, of Sindhiya Bujurg Dakshin were murdered and an objectionable video became



viral on 04.03.2023 at 16:30 O'clock in the evening and with respect to that debate started in the village and market that the said double murder happened due to the said viral video. The informant himself saw the said video in which he recognized the local Bibhutipur former M.L.A., namely, Ram Balak Singh, who was in naked position and it is being said that Neetu Kumari @ Gujari @ Gungun was in objectionable position with him. It is also in debate that the said video has been made secretly by someone under conspiracy in the hotel of M.L.A. situated at Singhiyaghat Bazaar.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. Her name has surfaced in the present case on the basis of the confessional statement of the co-accused Neetu Kumari @ Gujri @ Gungun which has got no evidentiary value in the eye of law. She was not arrested on the spot. She has no concern with the alleged offence. No incriminating article has been recovered from her possession. It is submitted that the other co-accused person, namely, Ram Jinish Kumar @ Ramjanish Kumar has already been granted bail by a Bench of this Court vide Cr. Misc. No. 42192 of 2023 under order dated 25.07.2023.



The petitioner has one criminal antecedent in which she is on bail as stated in paragraph no. 3 of the bail petition. She is in custody in this case since 26.09.2023.

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

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, 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 learned Additional Sessions Judge-I, Samastipur in connection with Bibhutipur P.S. Case No. 85 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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