

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81736 of 2023

Arising Out of PS. Case No.-457 Year-2021 Thana- BEUR District- Patna

Usha Devi Wife Of Surendra Sao R/O Village- Akbarpur, P.S.- Hilsa, Dist.-
Nalanda, At Present Harishchandra Ngar, P.S.- Beur And Presently Jai
Prakash Nagar, P.S.- Jakkanpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-03-2024 Heard Mr. Manoj Kumar, learned counsel for the

petitioner and Mr. Surendra Prasad Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.07.2023 in connection with Special No. 265 of 2023 arising
out of Beur P.S. Case No. 457 of 2021, F.I.R. dated 14.10.2021
for the offences punishable under Section 363 of the Indian
Penal Code.

3. According to prosecution case, the co-accused,
namely, Utish Kumar has took away the minor daughter of the
informant.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and she has falsely been



implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the statement of the victim recorded under Sections 161 and 164 of the Cr.P.C.. He further submits that from perusal of the statement of the victim recorded under Section 164 of the Cr.P.C. it appears that the main allegation is against the co-accused person, namely, Utish Kumar that he has committed wrong with the victim and there is no allegation of any assault or overt act attributed against this petitioner that she has committed any wrong with the victim. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Utish Kumar has been granted bail by this Court vide order dated 13.02.2023 passed in Cr. Misc. No. 35093 of 2022. The petitioner is in custody since 03.07.2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge, VI cum Special Judge, POCSO, Patna in connection with Special No. 265 of 2023 arising out of Beur P.S. Case No. 457 of 2021, 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 court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below 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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