

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81768 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- PUNAURA District- Sitamarhi

Hira Devi @ Sangita Devi, Wife Of Subodh Sada @ Subodh Manjhi, R/O
Village- Rahopur Bakhri, P.S.- Punaura, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Smiti Bharti, Advocate

For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Punaura P.S. Case No. 178/2023 lodged on 15.07.2023 under
Sections 366A, 34 of the Indian Penal Code and Sections 8 and 10
of the Protection Of Children From Sexual Offences Act, 2012.

3. As per the prosecution case, the FIR has been lodged
against 9 named accused persons, including the present petitioner
alleging therein that all the accused persons in connivance with
each other have kidnapped the informant's daughter.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The place of
occurrence is *maika* of the petitioner and the petitioner has no
concern with the accused person. He has falsely been made
accused in the present case. The petitioner is in custody since



06.10.2023 having no criminal antecedent. The victim has been recovered and got her statement recorded under Section 164 of the Cr. P.C. which has been inserted in paragraph no. 27 of the case diary wherein she has disclosed that on the force of one co-accused Misiya Patel she sit in the car where co-accused Dina Nath Sada and the petitoenr were present. The chargesheet has already been filed in this case and the said Misiya Patel who has played a role in putting force upon the petitioner has been granted bail by a co-ordinate Bench of this Court vide order dated 29.01.2024 passed in Criminal Miscellaneous No. 2182 of 2024.

5. Learned counsel for the State opposes the prayer for bail.

6. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, learned counsel for the petitioner submits that as per her knowledge, the charge has not been framed till date.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-cum Special Judge (POCSO Act) Sitamarhi, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure



with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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