

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.880 of 2024

Arising Out of PS. Case No.-283 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

Sunaina Devi W/o Uday Manjhi Resident of village - Pathra, PS magadh
university, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brijmohan Das, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-04-2024 Heard Mr. Brijmohan Das, learned counsel for the

petitioner and Mr. Madan Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Magadh University P.S. Case No. 283 of
2022, F.I.R. dated 11.09.2022 for the offences punishable
under Sections 341/323/354(A)/379/504/34 I.P.C. and under
Section 8 of POCSO Act.

3. According to prosecution case, when the
daughter of the informant was returning from the market,
one Congress Manjhi misbehaved with her and even
snatched the gold chain from her neck. Later when the
informant went to Congress Manhi's home to make a



complaint regarding the incident, there the petitioner along with one Soni Kumari and Congresh Kumar abused them and started to quarrel.

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 allegations are false and fabricated and in fact the petitioner has also filed a Magadh University P.S. Case No. 284/2022 in which the informant is an accused along with their family members. He further submits that the statements of victim was recorded under Sections 161 and 164 of the Cr.P.C. From perusal of the statements recorded under Section 161 of the Cr.P.C., it appears that both the statements are contradictory to each other and although the victim has named the petitioner in her statement recorded under Section 164 but she has also stated that no one has committed anything wrong with her.

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

6. Considering the aforesaid facts that the petitioner has got clean antecedent and there is



contradiction in the statements of the victim and that the petitioner is a lady, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Special Judge, POCSO Court-cum-Additional District Judge VI, Gaya in connection with Magadh University P.S. Case No. 283 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 her absence on two consecutive dates without sufficient reason, her 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 her 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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