

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88350 of 2024

Arising Out of PS. Case No.-623 Year-2024 Thana- MUFFASIL District- West Champaran

Kalamun Nisha @ Gudiya @ Kalamun Nesh Wife of Sabbir Alam @ Sabil Alam Resident of Ward No.- 15, Naya Tola, Ganj No. 1, PS- Bettiah Town, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Wife of Saheb Gaddi Resident of Village- Karanmeya Ward No.- 07, PS- Bettiah (Muffasil), District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 22-03-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and Mr. Abhay Kumar Roy, learned APP for
the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 126(2), 115(2), 118(1), 64(1), 89, 90, 103(1), 352, 3(5) of B.N.S. and 4 of the POCSO Act.

3. The case of the prosecution is that one day suddenly, the daughter of the informant aged about 15 years had pain in her stomach when the informant took her to a government hospital, the doctor disclosed that the victim was carrying a pregnancy of four months. When she came to know



from the victim that Kamil Gadi used to establish physical relation with her due to which she became pregnant. It is further alleged that in the evening on 11.11.2024 Kamil Gadi forcefully fed medicine to the victim to abort the pregnancy. After consuming the medicine, the victim started bleeding a lot and due to which she died. In the FIR, the name of the petitioner has surfaced in para-6 in restatement of the informant wherein she has stated while she was worried about the treatment of her daughter, she met with this petitioner who was being referred by Kamil Gadi. This petitioner told that she will facilitate the abortion and will take rupees three thousand. The informant gave her rupees three thousand and after that the victim was rushed to Jeevandeep Hospital by the petitioner. In the restatement of the informant, it has also come that the victim was rushed to Dr. Naseem and Dr. Prabhasendra. On 19.11.2024, the daughter of the informant died due to heavy bleeding.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. She has falsely been implicated in this case. From perusal of the FIR it transpires that the informant has come to know about the occurrence on 11.11.2024 but the FIR has been lodged on



20.11.2024 that is nine days after the occurrence. The name of this petitioner has surfaced in the restatement of the informant and the role which has been attributed to the petitioner is that she took the victim to a hospital. This goes to show that the petitioner has only facilitated the informant and there is no role of this petitioner in the alleged occurrence. Petitioner is a lady and she is languishing in judicial custody since 22.11.2024. Moreover, she has got no criminal antecedent.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bettiah (Muffasil) P.S. Case No. 623 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO cum ADJ-IV, Bettiah, West Champaran.

(Ashok Kumar Pandey, J)

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