

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41845 of 2026

Arising Out of PS. Case No.-103 Year-2026 Thana- GAUTAMBUDHNAGAR District-
Siwan

Geeta Upadhyay D/O Nihar Mandal Resident Of Village- Tulsibara, Howrah,
P.s.- District- Howrah West Bengal Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Prabhakar Singh, Adv
:	Mr. Pranav Bhaskar, Adv
:	Ms. Ritika Kumari, Adv
:	Mr. Sumit Kumar, Adv
:	Mr. Birottam Narayan Singh, Adv
:	Mr. Anubhav Vatsa, Adv
For the Opposite Party/s :	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending her arrest in connection with GB Nagar P.S. Case No.103/2026 registered for the offences punishable under Sections 127(2), 318(4), 143, 338, 336(3), 61(2) and 3(5) of the BNS and Sections 8 and 12 of the BNS.

3. The allegation against petitioner is to run an orchestra company in the name of M/s. Black Night Musical Group, where one minor girl was recovered aged about 16 years engaged for performing vulgar dance.

4. It is submitted by learned counsel appearing on behalf of the petitioner that several minor girls were recovered from the company of co-accused Mustak Alam and as this lady was also running orchestra company, she was also implicated out of business rivalry in connivance with police. It is submitted that even the victim stated that she knows only about the name and address of the



petitioner and nothing else. It is argued further that the allegation of sexual intent not appears available as to constitute allegation of sexual assault and, therefore, lodging present case for the offence punishable under Section 8 and 12 of the POCSO Act, not appears convincing. Petitioner is a lady and found involved in one more case, where she is on bail.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as allegation of sexual assault prima-facie not appears with sexual intent as alleged against this petitioner, accordingly petitioner above-named, who is a lady, in the event of her arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Court of POCSO, Siwan/concerned Court, where the case is pending in connection with GB Nagar P.S. Case No.103/2026, subject to the conditions as laid down under Section 482(2) of BNSS with further condition:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

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