

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25198 of 2015

Arising Out of PS.Case No. -405 Year- 2014 Thana -MAHUA District- VAISHALI(HAJIPUR)

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Rinku Devi W/o Mithilesh Kumar Singh @ Mithilesh Singh R/o Village
Singhara Buzurg, P.S. Mahua, District Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Uday Chand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 25-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 363 and 366A of the Indian Penal Code and that the petitioner is a named accused who is said to have connived with the main accused Amit Kumar Singh in allegedly kidnapping a minor girl being the daughter of the informant Priti Kumari and that the main accused Amit Kumar Singh has already been arrested and his prayer for regular bail has been rejected by this Court on the ground that the kidnapped girl is still traceless, this Court would not find the petitioner to be entitled for grant of outright privilege of anticipatory bail, inasmuch as the petitioner needs to be interrogated by the police with regard to alleged role played by her.

That being so, if the petitioner, namely, Rinku Devi,



surrenders before the court below within a period of four weeks from today, she will be released on provisional bail for a period of two months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in Mahua P.S. Case No. 405/2014, subject to the following conditions:

(i) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of her bail on the ground of misuse.

(iii) That the petitioner will be well represented on each and every date of trial and if she fails to do so on two consecutive dates, her bail will be liable to be cancelled on this ground alone.

The petitioner after being granted provisional bail shall immediately report before the Officer In-charge of Mahua Police Station and she will be interrogated by the Officer In-charge in presence of a lady Police Officer. Upon such interrogation if the Officer In-charge finds necessity to further investigate the case

against the petitioner, he may proceed to do so but he must submit his report to the trial court with regard to the material found showing direct complicity of the petitioner in the alleged offence within a period of six weeks of the petitioner appearing before the Investigating Officer.

The trial court thereafter will take its decision for extending/ confirming the provisional bail on the basis of the report of the Investigating Officer. In other words, if there are clinching materials to show the petitioner's role also in the offence allegedly committed alongwith Amit Kumar Singh, the provisional bail granted to her for a period of two months shall not be extended and she will be taken into custody but, on the other hand, if nothing incriminating is found against the petitioner, her provisional bail shall be confirmed.

surendra/-

(Mihir Kumar Jha, J)

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