

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16458 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -BIKRAMGANJ District- SASARAM (ROHTAS)

- =====
1. Dhaneshara Kuer @ Dhaneshwara Kuer, wife of Kameshwar Singh
 2. Khushbu Kumari, daughter of Late Kameshwar Singh
- Both resident of village – Bishambharpur, P.S. – Nokha, District – Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhinav Raj, Advocate

For the Opposite Party/s : Mr. Binod Kumar –II (APP)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

3. 08-06-2015 Heard learned counsels for the petitioners,
informant and the State.

The two petitioners both being ladies apprehend their arrest in relation to Bikramganj P.S. Case No. 04 of 2015 registered under Sections 304(B), 201/34 of the Indian Penal Code.

Petitioner no. 1, namely, Dhaneshara Kuer @ Khaneshwara Kuer is the mother-in-law of the victim girl and petitioner no. 2, namely, Khushbu Kumari is sister-in-law.

Sri Abhinav Raj, learned counsel for the petitioners submits that son of the petitioner no. 1 i.e. the husband of the victim girl is already in judicial custody.



He draws attention of this court to the First Information Report to show that the victim lady was not staying at Nokha where the petitioners reside, but was staying at Bikramganj. He further draws attention of this Court that it was the husband of victim lady who had come and taken her away and she was thus last seen with the husband.

So far as petitioner no. 2 is concerned, she was a minor as per school transfer certificate issued which was also filed before the learned Sessions Court. Firstly, this court would like to observe that the conduct of the learned Sessions Judge in refusing the anticipatory bail of the petitioner no. 2 was not appropriate. Once, the certificate was brought on record to show that she was a minor, he had to deal with the matter under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2000, but, in spite of the fact that he was a senior judge, he has overlooked this fact.

Considering the facts and circumstances that the husband of the victim girl is in judicial custody and the case of the prosecution itself being that the petitioners were staying at Nokha whereas victim girl

was at Bikramganj, in the event of her arrest/surrender before the court below within four weeks, let the petitioner no. 1 namely, Dhaneshara Kuer @ Dhaneshwara Kuer, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Rohtas, Sasaram, in connection with Bikramganj P.S. Case No. 04 of 2015, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far as petitioner no. 2 namely, Khushbu Kumari is concerned, the trial court is directed to deal with the matter in accordance with the procedure contained under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2000.

(Navaniti Prasad Singh, J.)

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