

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6741 of 2016

Arising Out of PS.Case No. -119 Year- 2015 Thana -SIDHWALIA District- GOPALGANJ

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JANKI DEVI @JANAKI DEVI W/o - Chandrika Prasad Koeri resident of
village - Barauli, P.S. - Barauli, District - Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ratnakar Pandey

For the Opposite Party/s : Mr. Ram Anurag Singh (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 04-04-2016 Heard learned counsel, appearing on behalf of the

petitioner, and the learned Addl. Public Prosecutor, appearing on

behalf of the State.

 This application for grant of anticipatory bail arises out
of Sidhwalia P.S.Case No. 119/2015, disclosing offences under
sections 363/ 120B of the Indian Penal Code and later on, Section
363A of the I.P.C. was added.

 The informant's son, aged 5 years, was found missing
since 29.11.2015. Upon information that one Kanti Devi had
kidnapped the said child, the First Information Report was
instituted on 1.12.2015 naming the said Kanti Devi as an accused.
The said Kanti Devi is said to have disclosed to the villagers that
she had sold the child after taking a sum of Rs.17,000/- from the
wife of Chandrika Prasad Koeri. The petitioner is the wife of said

Chandrika Prasad Koeri.

Learned counsel, appearing on behalf of the petitioner, submits that the petitioner has been maliciously implicated. He further submits that the said child has since been recovered from near the gate of a local school and not from the house of the petitioner, as recorded in the order of the learned Sessions Judge, while rejecting the petitioner's application for anticipatory bail. According to him, the said observation made by the learned Sessions Judge is an error of record.

Upon perusal of the case diary, I find that the submission advanced on behalf of the petitioner appears to be right, inasmuch as the said child was not recovered from the house of the petitioner, as is evident from paragraphs no. 29 to 31 of the case diary.

Considering the above and the fact that the petitioner is a lady, this application is allowed.

Let the petitioner, abovenamed, in the event of her arrest/ surrender before the court below within six weeks from today, 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 Chief Judicial Magistrate, Gopalganj in Sidhwalia P.S.Case No. 119/2015, subject to the conditions as laid

down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present herself before the police/ court, as the case may be, as and when required and in the event of failure on her part to appear before the court on two consecutive occasions, her bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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