

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32122 of 2016

Arising Out of PS.Case No. -129 Year- 2014 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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Kamaljit Devi, wife of Kabindra Rai, resident of village- Sobhita, Police
Station-Rajepur, District- East Champaran, at present village- Balbhadrapur,
Police Station-Rajepur, District- East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nagendra Pd. Yadav

For the Opposite Party/s : Mr. Sri Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 18-08-2016

Heard Sri Rohit Mishra, learned counsel, who has

appeared on behalf of the petitioner on instruction of Sri Nagendra Prasad Yadav, learned counsel, who had earlier filed Vakalatnama on behalf of the petitioner. It was submitted that during pendency of this petition, Sri Nagendra Prasad Yadav has become Law Officer and, as such, on instruction of Sri Nagendra Prasad Yadav, learned counsel, Sri Rohit Mishra, learned counsel has appeared on behalf of the petitioner. I have also heard Sri Ram Anurag Singh, learned Addl. Public Prosecutor.

The petitioner, who is in custody since 11.01.2016 in Rajepur P.S. Case No.129/2014, corresponding to Sessions Trial No.389/2016 registered for the offence under Section 364, 120(B) of the Indian Penal Code, has prayed for grant of bail.



It was submitted by learned counsel for the petitioner that the petitioner is the wife of allegedly kidnapped person. By way of referring to the statement made in paragraph-6 of the petition, it has been argued that the present F.I.R. has been lodged as a counter blast to the complaint, which has been filed by the petitioner against the informant of the present case and others vide Complaint Case No.C-857/2014. By way of referring to the F.I.R. he submits that the allegation appears to be concocted and fabricated.

Learned Addl. Public Prosecutor has opposed the prayer for bail of the petitioner. He submits that till date the victim has not been recovered.

Besides hearing learned counsel for the parties, I have also perused the material on record. Fact remains that the present F.I.R. has been lodged by father-in-law of the petitioner on suspicion of kidnapping of his son by the petitioner. This is peculiar allegation that the wife has been alleged to kidnap her husband. Considering facts and circumstances as well as the period of custody, let the petitioner, namely, Kamaljit Devi 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 learned 14th Addl. Sessions Judge, Motihari, East

Champan in connection with Rajepur P.S. Case No.129/2014.



(Rakesh Kumar, J)