

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40120 of 2016

Arising Out of PS.Case No. -182 Year- 2016 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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Pramila Devi Wife of Sri Anil Yadav, Resident of Village- Cheran, P.O. &
P.S.- Harnaut, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Informant : Mr. Pramod Kumar Singh

For the Opposite Party/s : Smt. Asha Kumari, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-10-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner apprehends her arrest in connection with
Harnaut P.S. Case No.182 of 2016 registered for the offence under
Sections 363 and 366 (A) of the Indian Penal Code.

The prosecution case, in brief, as lodged by the
informant, Arun Kumar, is that his daughter, Suniti Kumari who is
aged about 13 years a student of Class-IX, had gone to Harnaut
market on 25.06.2016 at about 2.00 P.M. to bring vegetable and
when she did not return home after lapse of time, cousin brother of
the informant, namely, Pramod Kumar came to his house and
informed that some time before he had seen Suniti Kumari was



being taken on a Bolero vehicle by 5-6 persons, namely, Ajit Kumar, mother of Ajit, Anil Yadav, Krishan Prasad, Janardan Prasad @ Manjhala, Manish Kumar @ Mansha, all residents of Village- Cheran, P.S. Harnaut, Nalanda, upon which the informant started searching his daughter and when he failed in tracing her out, visited the house of Ajit Kumar but his house was locked. Then he met Anil Yadav, father of Ajit Kumar and when the informant enquired about his daughter from him, he abused and threatened to ruin the life of the girl. Thereafter the informant became confident that Ajit Kumar along with his family members had kidnapped his girl.

It has been submitted by the learned counsel for the petitioner that the petitioner is the mother of co-accused Ajit Kumar who has been alleged to have kidnapped the minor daughter of the informant. He has further submitted that the alleged minor girl has given her statement under Section 164 of Cr.P.C. which finds place at Annexure-5 of supplementary affidavit filed today, wherein her age has been recorded by the Magistrate as 19 years as well as the victim girl has also stated her age as 19 years. In the 164 statement the victim girl has stated that she was in love with petitioner's son Ajit Kumar and out of her own sweet will she had gone with Ajit Kumar and thereafter

married with the son of the petitioner.

However, learned counsel for the informant submits that the victim girl is minor as her date of birth is 3.5.2003 and petitioner along with her family members including her son had kidnapped his daughter and hence, opposes his prayer for bail.

However, learned A.P.P. for the State submits that the petitioner is named in the first information report and hence, opposes the prayer for bail.

Be that as it may, since the victim girl Suniti Kumari has herself stated to be of 19 years, as also recorded by the Magistrate under Section 164 Cr.P.C. statement and that the petitioner's son Ajit Kumar and the victim girl have married to each other, let the petitioner who is mother of Ajit Kumar, above named, in the event of her arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Bihar Sharif, in Harnaut P.S. Case No.182 of 2016 subject to the conditions as laid down under Section 438 (2) of Cr.P.C.

(Nilu Agrawal, J)

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