

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36877 of 2016

Arising Out of PS.Case No. -290 Year- 2013 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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Sunita Devi @ Sanita Devi, wife of Palan Mahto, resident of Village-Khora,
P.S.- Kesaria, District- East Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Sri Bharat Lal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 14-09-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Kesaria P.S. Case No. 290 of 2013, disclosing offences under Sections 366A/34 of the Indian Penal Code.

Learned counsel for the petitioner submits, referring to the First Information Report, that main allegation is against co-accused Ajay Mahto, who wanted to marry the informant's daughter. The petitioner is the sister of said Ajay Mahto. In the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, there is allegation against the petitioner also, who was said to be involved in kidnapping of the victim. It has been submitted that the story narrated by the victim under Section 164 of the Code of Criminal Procedure is highly improbable. He has also submitted that petitioner being a lady, there is no

likelihood that she would be tampering with the evidence or fleeing from the course of investigation or trial if she is granted the privilege of anticipatory bail.

Considering the above submissions and the facts and circumstances of the case, this application is allowed.

Let the petitioner, above-named, in the event of her arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Motihari, East Champaran in connection with Kesaria P.S. Case No. 290 of 2013, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

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)

Vats/-

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