

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40604 of 2016

Arising Out of PS.Case No. -252 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Mamta Kumari @ Kumari Mamta W/o Ranjit Das @ Ranjit Kumar,
Resident of Village- Durgapur, P.S.- Muffasil, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 14-12-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending her arrest in Khagaria (Muffasil) P.S. case No.252 of 2016 registered under Sections 341, 323, 354 and 366A/34 of the Indian Penal Code, pending before the court of Chief Judicial Magistrate, Khagaria.

The prosecution case, in brief, is that on the alleged date and time of occurrence while the informant along with her daughter was waiting for vehicle at Vishwakarma temple on N.H. 31 to go to Khagaria market, the accused persons including the petitioner armed with pistol came there, terrified her and her daughter and kidnapped her daughter and got her daughter seated in jeep. The informant tried to save her daughter, but the accused



persons assaulted her with butt of weapon and turned her down and fled away with vehicle towards north side.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Both the parties are resident of the same village. The petitioner is a lady and a government servant. At the time of occurrence, she was on her official duty. Prior to institution of the F.I.R., a sanha was filed as Annexure-2 to the present application by the husband of the petitioner making allegation against the husband and son of the informant. There is land dispute between the parties.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. There is specific allegation against the petitioner and other co-accused. The victim is still traceless.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer for anticipatory bail is rejected.

Anyhow if the petitioner surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order taking into account the submissions made on behalf of the



petitioner.

The provisional bail granted to the petitioner by order dated 23.09.2016 is hereby cancelled.

(Sudhir Singh, J)

Narendra/-

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