

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16549 of 2016

Arising Out of PS.Case No. -35 Year- 2015 Thana -MAHILA P.S. District- ARRARIA

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1. Sunita Devi W/o Sanjay Rishideo , D/o late Mohan Rishideo Resident of Village Paiktola, PS+District- Araria
 2. Umesh Kumar Gupta@Umesh Gupta S/o Murlidhar Gupta
 3. Sunita @Sunita Devi@Sumitra Devi W/o Murlidhar Gupta. Petitioner no. 2 and 3 are resident of Village Mathiya P.S. Bheera Kheri, District Lakshmipur Kheri(U.P)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh - 1, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 22-06-2016 Heard the learned counsel for the petitioners and the learned A.P.P. representing the State.

The petitioners seek bail in connection with Mahila P.S. Case No. 35 of 2015 registered for the offences punishable under Sections 363, 365, 366, 370(4), 370(5), 385 of the Indian Penal Code. Later on Section 376/34 of the Indian Penal Code and Sections 10, 12 of the Protection of Children from Sexual Offence Act were added.

The petitioner No. 1, Sunita Devi, took away Nilam

Kumari and Mudhu Kumari two minor girls and thereafter an amount of Rs. 30,000/- for each were demanded to release them and allegedly, both were sold or killed. During investigation, both the victims have been recovered and their statements have been recorded under Section 164 Cr.P.C. also which are mentioned in paras 40 and 41 of the case diary.

Submission is of false implication and that the petitioner No. 3 is the mother of petitioner No. 2 and it is alleged that one Madhu Ram committed rape with Madhu Kumari but the petitioner No. 2, Umesh Kumar Gupta has done nothing with Nilam Kumari and, as such, the petitioner Nos. 2 and 3 at least deserve sympathetic consideration.

Learned A.P.P. opposes the prayer of bail but fairly submits that the petitioner No. 1 has taken away both the minor victim girls and sold them.

In the facts and circumstances stated above, considering the statement of the victim girls, I am not inclined to enlarge the petitioner No. 1, Sunita Devi, w/o Sanjay Rishideo, D/o late Mohan Rishideo, on bail and accordingly, her prayer for bail stands rejected in connection with Mahila P.S. Case No. 35 of 2015.

So far as the petitioner No. 2, Umesh Kumar Gupta

@ Umesh Gupta and petitioner No. 3, Sunita @Sunita Devi@Sumitra Devi W/o Murlidhar Gupta are concerned, as the victim Nilam Kumari has stated specifically that Umesh Kumar Gupta @ Umesh Gupta did not commit any wrong with her and, as such, the petitioner No. 2, Umesh Kumar Gupta @ Umesh Gupta and petitioner No. 3, Sunita @ Sunita Devi @ Sumitra Devi W/o Murlidhar Gupta are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Araria in connection with Mahila P.S. Case No. 35 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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