

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33094 of 2015

Arising Out of PS.Case No. -51 Year- 2015 Thana -SOHSARAI District- NALANDA (BIHARSHARIFF)

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1. Premlata Devi @ Premlata Kumari, wife of Ajay Prasad
 2. Ashish Kumar @Guddu Kumar, son of Ajay Prasad Both resident of Muzaffarpur,P.S.- Rajgir,District Nalanda.
 3. Arvind Kumar @Arvind Prasad @Chhote, son of Sri Lala Prasad, resident of village - Baban Bigha, P.S. Harnaut, District Nalanda.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kr. Singh, Advocate
Mr. Uday Prasad, Advocate

For the Informant : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Anil Kumar No.1, Advocate

For the State : Mr. Anil Kr.Singh No.1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

10 09-02-2016

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Sohsarai P.S. Case No. 51 of 2015, disclosing offences under Sections 363, 365 and 506/34 of the Indian Penal Code.

It is the case of the prosecution that the informant's minor daughter, who had gone to attend school, was found missing and she had not attended the school. Upon search and enquiry, the informant learnt that son of petitioner No. 1 was also missing.

It is alleged that the informant spoke to petitioner No. 1 about disappearance of his daughter and the son of the petitioner No. 1 who, in turn, told the informant that the girl was with the

family of petitioner No. 1 and they would not return the girl back. It is alleged that son of petitioner No. 1 enticed away the minor daughter of the informant and kept her in confinement with the aid and assistance of the petitioners.

Learned counsel for the petitioners submits that for an occurrence which had taken place on 13.03.2015, the First Information Report came to be instituted on 25.03.2015. He contends that there cannot be any plausible explanation for the delay in lodging the First Information Report.

Mr. Yogesh Chandra Verma, learned Senior Counsel appearing on behalf of the informant has opposed the prayer for grant of anticipatory bail to the petitioner no. 1.

I find from an order dated 13.08.2015 that interim protection was granted to the petitioner during the pendency of this application. It further transpires that by an order dated 11.01.2016, the Investigating Officer of the case was directed to obtain and file call details of the petitioner No.1 and the accused Alok Kumar (Petitioner No. 1's son) being Mobile No. 8877195677 and 8409022049. Pursuant to the said order, the call details have been submitted. Upon perusal of the call details, I find that nothing could be pointed out that the petitioner No. 1 used her Mobile No. 8877195677 to talk to the accused Alok Kumar, on his Mobile No. 8409022049 during the period, in question.

It has been pointed out that petitioner No. 1 is a government servant and there is no likelihood of her fleeing away from the investigation or trial. It has further been submitted that even while enjoying the privilege of interim protection, she never misused the said privilege. It has also been argued on behalf of the petitioner No. 1 that she is not extending any financial support to the said Alok Kumar.

Considering the facts and submission as above, this application is allowed to the extent it relates to the petitioner No. 1.

Let the petitioner No. 1 namely Premlata Devi alias Premlata Kumari, 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 Judicial Magistrate 1st Class, Biharsharif, Nalanda in connection with Sohsarai P.S. Case No. 51 of 2015, 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 No.1 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.

So far as petitioner Nos. 2 and 3 are concerned, the
prayer for anticipatory bail against them is hereby rejected.

(Chakradhari Sharan Singh, J)

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