

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18494 of 2016

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Lalti Devi, W/o Tun Tun Sao @ Tun Tun Prasad, resident of mohalla-Daroga Kuan (Gabada-par) P.S.- Hilsa, District- Nalanda, presently resides at Chiraiyatad (Devi Gali), P.S.- Jakkanpur, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. J.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-08-2016

The present application has been filed for modification of the order dated 02.12.2015, passed in Cr. Misc. No. 54649 of 2015 to the extent of extending the period of provisional anticipatory bail. The petitioner is accused in a case registered under Section 366A of the Indian Penal Code.

The prosecution case is of abducting the minor daughter of the informant.

On submission of the learned counsel for the petitioner that victim went missing in 2009 for which complaint has been filed in 2013 and the son of the petitioner went missing for which Sanha was lodged in Gandhi Maidan Police Station on 05.10.2009 and subsequently Complaint Case No. 3031C of 2013 was also filed. The son of the petitioner performed married with the daughter of the informant and now they had three children. The petitioner was



granted provisional anticipatory bail with condition that the petitioner will get the victim produced before the learned court below within four months. If the victim will be produced before the learned court below on 29th January, 2016 the learned court below record her statement and if she admits that she of her own married with Vikash Kumar then the provisional bail of the petitioner will be confirmed.

It is submitted by the learned counsel for the petitioner that since the son of the petitioner was also traceless, hence she is unable to produce the victim. The husband of the petitioner has been granted regular bail by the learned court below.

Since, the petitioner was granted provisional anticipatory bail for four months vide order dated 02.12.2015 and after expiry of the same, the present modification application has been filed, this Court is not inclined to entertain the present modification application.

Since, the thrust of accusation is against the son of the petitioner and petitioner is an old lady and has enjoyed the privilege of provisional anticipatory bail, no useful purpose will be served to allow the petitioner to go in the custody.

In view of this Court, it is a case for consideration of prayer for regular bail of the petitioner.

Let the learned court below consider the prayer for

regular bail of the petitioner, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Hilsa P.S. Case No. 478 of 2013, pending in the court of learned Additional Chief Judicial Magistrate, Hilsa.

With the above observation this modification application is disposed of.

It is expected from the learned court below to dispose of the regular bail application of the petitioner preferably on the same day.

(Dinesh Kumar Singh, J)

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