

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6314 of 2017

Arising Out of PS.Case No. -38 Year- 2016 Thana -TEDHAGACHH District- KISANGANJ

=====

Shanti Devi Wife of Binod Kumar Mahto Resident of Village- Baisa Toli ,
P.S.- Terhagachh, District- Kishanganj Petitioner

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 17-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Petitioner seeks bail in connection with Terhagachh P.S.
Case No. 38 of 2016 registered for the offence punishable under
Sections 366/34 of the Indian Penal Code.

Allegedly, Soniya Devi, the daughter of the informant, was
kidnapped with ornaments which she was wearing and cash of Rs.
16,000/-.

Submission is of false implication and that the victim has
herself appeared. Her statement cannot be relied upon, due to
enmity the petitioner has been implicated in this case, resulting,
she is suffering in custody since 16.09.2016. In the statement of
the victim recorded under Section 164 Cr.P.C. no allegation of
overt act has been attributed against the petitioner. Only it is
alleged that the petitioner provided chocolate to her resulting, she



became unconscious and thereafter, she was brought at Siliguri and she was left and as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that the victim herself appeared and no sexual overt act has been committed against her, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri K. K. Choudhary, J. M. Ist Class, Kishanganj in connection with Terhagachh P.S. Case No. 38 of 2016, 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on her part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--

