

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32338 of 2017

Arising Out of P.S. Case No. -32 Year- 2017 Thana -KHAIRA District- JAMUI

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Anita Devi, wife of Dinesh Ram, resident of Village - Kodwadih, P.S. -
Khaira, District - Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Arun Kumar, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Singh No. 5, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 20-07-2017 Heard Sri Arun Kumar, learned counsel for the

petitioner, and Sri Arun Kumar Singh No. 5, learned A.P.P. for the

State.

The petitioner in the present case is seeking regular
bail in connection with Khaira P.S. Case No. 32 of 2017,
registered for offence alleged under Section 365 of the Indian
Penal Code.

Learned counsel for the petitioner submits that both the
petitioner and the informant are co-villagers. The allegation
against the petitioner is that she along with the co-accused
persons, who are 4-5 in number, came lashed with weapons and on
seeing them, Sri Rahul Kumar, brother of this informant and his
friends started running away, however, the accused persons were
assaulting by the butt of the weapons and this petitioner along with



those 4-5 accomplices took away the brother of this informant. The informant has further stated that the two friends of his brother Rahul Kumar have informed about this occurrence to the informant and thereafter the F.I.R. was lodged.

Learned counsel submits that the petitioner has been falsely implicated in the present case due to some village rivalry. The boy Rahul Kumar has come back and he has stated that he was taken away by some persons who had come on two motorcycles, these persons had come along with this petitioner. The boy has further stated that this petitioner had thereafter gone to her village and therefore the submission of the learned counsel is that there is no allegation that this petitioner had accompanied those 4-5 persons who had taken away the boy. Learned counsel submits that the petitioner is in custody with a one and half years old boy in her lap and she has got no criminal antecedent, therefore, privilege of regular bail may be granted to the petitioner.

Learned A.P.P. opposed the prayer for bail and submits that this petitioner had kidnapped the brother of the informant by 4-5 persons and, therefore, she has participated in the occurrence.

Considering the facts and circumstances of the case and that the petitioner is not said to have accompanied the victim boy



and that the petitioner is a lady and in custody with her 1½ years old boy, I am inclined to grant regular bail to the petitioner. Let the petitioner, namely, Anita Devi be enlarged on bail on her furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 32 of 2017, subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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