

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61736 of 2017

Arising Out of PS. Case No.-83 Year-2017 Thana- WAINA District- Nalanda

Belamati Devi, Wife of Jagat Lal, resident of Village- Lalganj, P.O.- Khaira,
P.S.- Waina, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

Prosecution case as per the informant, Rajkumar Ram, is to the effect that his minor daughter went to ease out on 15.06.2017 at 4.AM, when she was kidnapped by the accused persons.

It is submitted by learned Counsel for the petitioner the informant went traceless on 15.06.2017 and she of her own returned on 21.06.2017, but the F.I.R. was registered on 28.07.2017. In the meantime, on 01.08.2017, the 164 Cr. P.C. statement of the victim was recorded, wherein, she stated that she was kidnapped by Manish Kumar and Rajesh.



Though she has named the petitioner being mother of Manish Kumar as the conspirator, but accusation of kidnapping is not against the petitioner, who is a lady. Manish Kumar being juvenile has been released on bail. There is no explanation for the delay in lodging of the FIR.

Learned APP appearing on behalf of the State submits that the petitioner is named in the FIR as well as in 164 Cr. P. C. statement of the victim girl.

Considering the fact that the FIR was registered on 28.07.2017, for the occurrence of 15.06.2017, though the victim claims to be 14 years of age on the date of occurrence, but has not alleged that the petitioner participated in any manner in kidnapping, petitioner being lady having no criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Bihar Sharif (Nalanda), in connection with Waina P.S. Case No.83/17, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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