

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12944 of 2018

Arising Out of PS.Case No. -63 Year- 2016 Thana -BASNAHI District- SAHARSA

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1. Babita Devi, W/o Suresh Mukhia, Resident of Village- Bargaon, P.S.-
Basnahi, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv

For the Opposite Party/s : Mr. Sri Chaubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 17-04-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for
the offences punishable under Sections 366(A)/34 of the
Indian Penal Code.

The FIR was lodged with allegation that
daughter of the informant was kidnapped for the purpose of
marriage and suspicion was that the victim has been
married with someone. On recovery, the statement of the
victim was recorded under Section 164 Cr.P.C. However, the
case diary would reveal that before police, she stated that
she would not give any statement to the police rather would
give statement to the court. It has further come in the case
diary that she consulted her father, the informant of this
case before statement under Section 164 Cr.P.C. According



to statement under Section 164 Cr.P.C., the petitioner had induced her to go from her house and thereafter three persons named in the FIR kidnapped her and took her to Jalandhar. Allegation is that co-accused Pramod Mukhiya had committed rape against the victim and wife of Pramod Mukhiya had helped.

Submission of the learned counsel for the petitioner is that the entire allegation is concocted and false one due to political differences. The petitioner is a female. She is in custody since 20.01.2018. She has got no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with POCSO Case No.39 of 2017 arising out of Basnahi P.S.Case No.63 of 2016, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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