

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59792 of 2018

Arising Out of PS.Case No. -155 Year- 2018 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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Mamta Devi, Wife of Ranjay Manjhi, Resident of Village- Mushahri, P.S.
Chandi, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Pravin Kumar, Advocate
Mr. Malay Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 28-09-2018

Heard learned counsel for the petitioner and
learned APP for the State.

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

The prosecution case as per the written report
of Sumanti Devi dated 02.06.2018 submitted to the Station
House Officer, Chandi P.S., to the effect that that the daughter of
the informant, Sima Kumari, aged about 14 years, went to ease
on 14.04.2018 at 7.00 P.M. but did not return. Subsequently, the
informant came to know that she has been enticed away by five



accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that for the occurrence of 14.04.2018, the written report was submitted on 02.06.2018 and the case was registered on the same day at 7.30 P.M. The victim in her statement under Section 164 Cr.P.C. got her age recorded as 14 years, while the Court has assessed her age as 15 years, but the impugned order suggests that the Medical Board found the victim between 17 to 18 years. In her statement recorded under Section 164 Cr.P.C., she has stated that she was taken by this petitioner on Auto to Noorsarai and from where she was taken by Bikku Manjhi. It is further submitted by learned counsel for the petitioner that even assuming the accusation to be true and the 164 Cr.P.C. statement of the victim, no case under Section 366A of the I.P.C. is made out against the petitioner. The thrust of accusation is against Bikku who happens to be brother of this petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR as well as in 164 Cr.P.C. of the victim.

Considering the accusation levelled in the FIR, delayed lodging of the FIR, the medical Board having found the



victim approaching majority as well as the statement of the victim, apparently suggests that she went in the company of Bikku without any forcible act being resorted, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Class, Hilsa, Nalanda in connection with Chandi P.S. Case No. 155 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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