

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15991 of 2018

Arising Out of PS.Case No. -122 Year- 2017 Thana -BARHARA District- BHOJPUR

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1. Kalawati Devi W/o Arun Pandey, R/o Village- Naya Sabalpur, P.S.-
Barhara, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Krishna

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-04-2018

Heard the learned counsels for the parties.

The petitioner seeks bail in anticipation of her arrest in connection with Barhara P.S. Case No. 122/2017 dated 04.05.2017 instituted for the offences under Sections 341, 323, 379 and 366(A)/34 of the Indian Penal Code.

The son of the petitioner is said to have enticed away the daughter of the informant on the point of gun. The victim, after her return, alleged that she was raped as well. So far as the petitioner is concerned, in the F.I.R., it has been alleged that when the informant went to the house of the petitioner to ask for her daughter, she was abused by the petitioner and her husband and was told that her son would sell off the victim.



From the narration made in the F.I.R. itself, it appears that the victim/daughter of the informant did not raise any hue and cry and came out the house without any protest along with the son of the petitioner. Even prior to that, there is a hint in the F.I.R. that the daughter of the informant had taken away Rs. 50,000/- from the house. These facts give an impression that the daughter of the informant herself desired to go with the son of the petitioner. However later, the victim in her 164 statement has alleged that three persons, including the son of the petitioner, kidnapped her and she was sexually exploited as well. However, in her statement under Section 164 of the Cr.P.C., she does not state anything against the petitioner.

Thus, there being no specific allegation in the F.I.R. or in the 164 statement of the victim, it has been argued, the petitioner deserves anticipatory bail. Merely because the petitioner happens to be the mother of the accused person, who is alleged to have enticed away the daughter of the informant, she cannot be sent to jail.

Considering the aforesaid facts, the petitioner is directed to be released on bail, in the event of her surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on her furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Bhojpur, Ara in connection with Barhara P.S. Case No. 122/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J.)

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