

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63494 of 2018

Arising Out of PS. Case No.-115 Year-2017 Thana- SANGRAMPUR District- East
Champaran

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Ful Kumari Devi, Wife of Sri Bhagwan Sahni, Resident of Village- Jalaha,
Police Station- Sangrampur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar
For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-12-2018 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of her arrest in connection with Sangrampur P.S. Case No. 115 of 2017 dated 04.07.2017 instituted for the offences under Sections 363, 366(A) and 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

The informant has alleged that his minor daughter aged about 16 years had gone out of the house but never came back. During the course of search, he came to learn that one Chandan Kumar has kidnapped her for the purposes of marrying her. The informant visited the house of aforesaid Chandan Kumar when his father Sribhagwan Sahni and his mother (the petitioner) misbehaved with him.



Learned counsel appearing for the petitioner has submitted that the allegation in the FIR is absolutely incorrect in as much as the daughter of the informant has given her statement under Section 164 Cr.P.C. (Annexure-2) wherein she has stated that she had married the son of the petitioner in the year 2016 without any fear or favour and only because she was carrying on an affair with him. There is no allegation of the petitioner having participated in the abduction of the daughter of the informant. The father of aforesaid Chandan Kumar (husband of the petitioner) has been granted bail by a bench of this Court vide order dated 14.11.2017 passed in Cr. Misc. No. 52592 of 2017.

Regard being had to the fact that the victim has stated her age to be 21 years in the 164 statement and that she has married the son of the petitioner who has not done anything in the entire process, she is directed to be released on bail, in the event of her arrest or 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 bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge, East Champaran at Motihari in connection with Sangrampur P.S. Case No.



115 of 2017, subject to the conditions as laid down
under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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