

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10418 of 2018

Arising Out of PS.Case No. -90 Year- 2017 Thana -DESARI District- VAISHALI(HAJIPUR)

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Mala Kumari, D/o Lotan Ray, R/o Village- Rampur Kichni, P.S.- Desari
Ward No.4, District- Vaishali (Hajipur).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Om Prakash Om, Advocate.

For the Opposite Party/s : Smt. Anusuiya Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends her arrest in **Desari P.S. Case No. 90 of 2017** instituted for the offence under Sections 366(A) and 365 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that matter has now been compromised between the parties. A compromise petition has also been filed in the court below on 17.10.2017 as mentioned in paragraph-14 of the bail petition. It has further been submitted that the victim girl has sworn affidavit before the Executive Magistrate, Mahnar, Vaishali, stating that this petitioner has got no hand in the alleged missing and kidnapping her from the house. The aforesaid affidavit has been enclosed as Annexure-4.

The victim girl on recovery has given statement under Section 164 Cr. P.C. which has been enclosed as Annexure-2 wherein



she has not levelled any specific allegation against this petitioner of kidnapping her. She has stated that this petitioner is her *Bua* in relation.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Desari P.S. Case No. 90 of 2017**, she shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Vaishali at Hajipur**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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