

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14046 of 2019

Arising Out of PS. Case No.-161 Year-2010 Thana- GHOSI District- Jehanabad

Rekha Devi Wife of Kapil Sao Resident of Village- Lakhawar, P.S-Ghosi,
Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jogendra Kumar

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-04-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 366/34 of the IPC.

The prosecution case, as per the written report of Sarita
Devi, dated 02.08.2010 submitted to the Station House Officer,
Ghoshi Police Station, is to the effect that on 01.08.2010, 13
years old daughter of the informant, namely, Jyoti Rani left for
the house of her maternal grand-mother, but she did not reach
there. Thereafter, on 02.08.2010, on enquiry being made, co-
villager of the informant, namely, Satyendra Kumar conveyed
the informant that he saw the daughter of the informant in the
company of the petitioner and co-accused Rakesh Kumar and
Pramod Sao.



It is submitted by learned counsel for the petitioner that thrust of accusation is against co-accused, Rakesh Kumar and only on the basis of suspicion, the petitioner has been roped in the present case. It is further submitted that on conclusion of investigation, only co-accused, Rakesh Kumar has been chargesheeted and the petitioner was not sent up for trial, but differing with the final form, on 05.10.2010, cognizance has been taken against the petitioner also, but since process has never been served to her, she could not prefer the application for anticipatory bail before the learned Court below till 2017.

Learned APP submits that the petitioner is named in the FIR and differing with the final form, cognizance has been taken against the petitioner also.

It appears that the FIR has been registered on 02.08.2010 and final form was submitted on 30.09.2010, whereas the cognizance has been taken against the petitioner on 05.10.2010, but the petitioner preferred the application with a prayer for anticipatory bail before the learned Court below in the year 2017, which was rejected by the learned Additional Sessions Judge-I, Jehanabad, vide order dated 15.12.2017, passed in A.B.P. No. 1647 of 2017, whereas the petitioner preferred the present application before this Court on 06.03.2019, which



reflects the callous attitude of the petitioner.

Considering the delayed filing of the present application and callous attitude of the petitioner, this Court is reluctant to interfere, but since the petitioner is an old lady and keeping in view the fact that initially the petitioner was not sent up for trial, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Ghosi P.S. Case No. 161 of 2010, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

However, learned Court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

Amrendra/-

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