

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79845 of 2018

Arising Out of PS. Case No.-857 Year-2018 Thana- BIHTA District- Patna

=====

Sarita Pandey W/O Rajkishor Pandey resident of Village Bishunpura P.S.
Bihta District Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Uday Kumar

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

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-01-2019 The petitioner seeks bail in anticipation of her arrest in connection with Bihta P.S. Case No. 857 of 2018 dated 02.08.2018 instituted for the offences under Sections 366, 376, 34 of the Indian Penal Code.

The learned counsel for the petitioner has drawn the attention of this Court to a weird allegation in the F.I.R that while the complainant/informant was going to the hospital, she met the son of the petitioner and agreed to his proposal of marrying him. The further allegation in the F.I.R is that without her wish and approval, she was taken to Haryana by the son of the petitioner where she was sexually exploited. Later, when she along with the son of the



petitioner came back home, the petitioner is said to have told her that in the Police Station, she must state that she visited Haryana of her own volition. The fact of the informant staying with the son of the petitioner in Haryana in an illegal manner was known to the petitioner.

The learned counsel for the petitioner, therefore submits that it appears to be rather improbable that merely for few minutes that the victim/complainant/informant met the son of the petitioner, she agreed to go with him to Haryana. If she was kept in captivity by the son of the petitioner at Haryana, she ought to have complained to any authority there only. It does not also appear to be probable that without her consent, she would have been taken to such a distant place in Haryana. These are some of the fallacies in the prosecution version which have been pointed out by the learned counsel for the petitioner.

However, so far as petitioner is concerned, it has only been stated that she had, at one point of time, asked the victim/informant to state before the Police that she had gone of her own volition to Haryana. The other allegation is



that she was aware that her son was living with the victim at Haryana. Both the aforesaid allegations do not make out any case under Sections 366 or 376 of the Indian Penal Code as against the petitioner who is mother of the main accused.

Regard being had to the aforesaid facts, the petitioner, above named, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, is directed to be released on bail on her furnishing bail bonds of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, I, Danapur, Patna in connection with Bihta P.S. Case No. 857 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

