

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.6431 of 2020

Arising Out of PS. Case No.-87 Year-2019 Thana- GORIAKOTHI District- Siwan

Balkesha Devi @ Bal Kesha Divi, aged about 50 years, Gender-Female, Wife of Ram Bahal Sah @ Rajdeo Sah Resident of Village - Noniya Tola, P.S. - Goriya Kothi, District - Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the State : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 28-02-2020

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends arrest in connection with Goreakothi PS Case No. 87 of 2019 dated 15.05.2019 instituted under Sections 363/366A/34 of the Indian Penal Code.

3. The allegation against the petitioner and six others is of abducting the minor daughter of the informant.

4. Learned counsel for the petitioner submitted that though she is the mother of the boy who is alleged to have been



the person for whom the abduction was made so that the daughter of the informant could be married to him, but she has no role in the same as it is a matter of love affairs between the parties. Learned counsel submitted that in the deposition before the Court under Section 164 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code'), the girl though has stated with regard to her abduction but she has not mentioned either the name or any role had been attributed to the petitioner. It was submitted that just because she is the mother of the said boy, she has been made accused without any basis.

5. Learned APP submitted that the allegation is against the petitioner also. However, he could not controvert the fact that the girl herself in her statement to the Court has neither named the petitioner nor has attributed any role to her.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in Goreakothi PS Case No. 87 of 2019, subject to the conditions laid down in



Section 438(2) of the Code. One of the bailors shall be a close relative of the petitioner.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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