

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7610 of 2020**

Arising Out of PS. Case No.-329 Year-2019 Thana- KATEYA District- Gopalganj

RENU KUMARI D/o Lt. Ganesh Tiwari Resident of Village - Chhotaka
Ameya, P.O and P.S.- Kateya, Distt - Gaopalganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Parth Gaurav, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 29-05-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned
APP for the State as also perused the case diary.

The petitioner in the present case is seeking regular
bail in connection with Kateya P.S. Case No. 329 of 2019
registered for the offences punishable under Section 366A/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the first information report, this petitioner had taken away the
daughter of the informant in the name of taking her to
Gorakhpur for treatment purposes and the informant was given
to understand that the victim girl and the petitioner will return



by 4:00 P.M. on 19.09.2019 itself but later on when they did not return, after 2-3 days the informant went to the house of the petitioner and asked about her daughter, on this the petitioner is said to have told the informant that the daughter of the informant was talking to one Prince Kumar of Village Kumri Mithauli for last one year and while the petitioner and the daughter of the informant were at Gorakhpur the said Prince Kumar along with one Sadhna Chauhan came there and by duping the petitioner they had taken the daughter of the informant with them. On this the informant claimed that the petitioner along with the other two boys had allured her daughter in the name of giving job and they have kidnapped her for marriage.

Learned counsel for the petitioner submits that the FIR itself contains self-contradictory statements. On the one hand, the informant says that the petitioner had taken away her daughter on the pretext of her treatment and had promised to return on the same day but at the same time the informant started searching out her daughter allegedly after 2-3 days, and at this stage she made an allegation that her daughter had been kidnapped for marriage purposes. It is submitted that the victim girl has been recovered and in her statement under Section 161



Cr.P.C. as well as Section 164 Cr.P.C. she has stated that this petitioner had taken her to Gorakhpur on the pretext of giving her a job in any factory at Delhi. The victim girl had gone with the petitioner on her own will and she has alleged that when she went to Delhi, she was left at the house of one uncle where the victim girl sensed that she may be sold and then fled away from the said place. In her medical examination also nothing wrong has been found and there is no allegation of that kind against the petitioner. Learned counsel submits that the petitioner has remained in custody for almost eight months by now, investigation against her is complete and as such the petitioner may be released on bail.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. This Court has perused the case diary.

Having heard learned counsel for the petitioner and learned APP for the State, this Court has also perused the case diary which is available on the record. The statements under Section 164 Cr.P.C. are as indicated above. The medical examination report has shown the petitioner aged between 17-18 years and there is neither any allegation of sexual assault nor any sign of sexual assault has been found against the victim girl.



The petitioner has remained in custody for eight months, the investigation against her is complete and there is no argument on behalf of the State that her release at this stage is likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Kateya P.S. Case No. 329 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that she will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19



Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

