

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14771 of 2020

Arising Out of PS. Case No.-375 Year-2019 Thana- BISFI District- Madhubani

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Fulo Devi @ Ful Kumari Devi, aged about 42 years, Female, W/o Lal Bahadur Yadav @ Lal Yadav, Resident of Village- Darima, P.S.- Keoti, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lilawati Singh, Advocate
For the State : Mr.Humayou Ahmad Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-07-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends her arrest in connection with Bisfi P.S. Case No. 375 of 2019 registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code.

The prosecution story as alleged therein that the daughter of the informant aged about 15 years namely Gujar Kumari has gone to see field in the Badh on 12.12.2019, but till evening she did not return, then the informant started searching, during search he came to know that his daughter has been kidnapped by Santosh Yadav with the help of Lal Yadav



and Ful Kumari Devi (petitioner) while they approached the accused persons at their house they abused and threatened.

Learned counsel for the petitioner submits that the petitioner is quite innocent has committed no offence and has been falsely implicated in this case. The fact remains therein that no occurrence as alleged therein has ever been occurred and the real fact is that the victim who is a major lady of more than 18 years have left the house out of her own sweet will, having come to know this fact the informant did not lodge the case on the same day. He further submits that there is delay of 3 days in lodging the F.I.R. as the alleged occurrence is said to have taken place on 12.12.2019 and the F.I.R. has been lodged on 15.12.2019. Learned counsel for the petitioner further submits that the victim after her recovery has been produced by the police before the court of learned ACJM-I, Benipatti for taking her statement under Section 164 Cr.P.C. and her statement had been recorded by the learned Magistrate on 20.12.2019 where the learned Magistrate had assessed her age of 18 years, further the victim had also said her age is 18 years , so which clearly indicates that the victim was major and she had left her house out of her own sweet will due to love with



the co-accused namely Santosh Yadav, son of the petitioner. Learned counsel for the petitioner further submits that the statement under Section 164 Cr.P.C. has taken by the Magistrate in which she had been married with Santosh Yadav on 11.12.2019 in temple in Himachal Pradesh. The Medical Board has also examined the victim and the victim is aged about 18 years.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of ACJM 1st, Benipatti, Madhubani in connection with Bisfi P.S. Case No. 375 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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