

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17493 of 2020**

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Asha Devi, W/o Uma Nath Singh, resident of Village-Thakaniya, P.S.-Chandi,
District-Nalanda. At present -Resident of Nepali Colony, Sector No.1, P.S.-
City, District-Bokaro (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Sr.Adv.
For the Opposite Party/s	:	Mr.Tarun Prasad Mandal, APP
For the Informant	:	Mr. Saket Anand, Adv.

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

2 23-07-2020 Heard Mr. Krishna Prasad Singh, learned Senior Counsel
for the petitioner and Mr. Tarun Prasad Mandal, learned A.P.P. for the
State as well as Mr. Saket Anand, learned counsel for the informant.

The petitioner, in the present case, is seeking pre-arrest
bail in connection with Nayagaon P.S. Case No.109/2018 registered
for the offences under Sections 376, 498(A), 420, 504, 120(B) and 34
of the Indian Penal Code and Section 3 of POCSO Act and Section 3/4
of the Dowry Prohibition Act.

From the allegations made in the First Information Report
it appears that the family of Vicky Kumar and the family of the
victim girl are closely related. In the said relationship the victim girl
was visiting the house of Vicky Kumar and it is specifically stated
that for last four years they had developed a love affair and both were
on talking terms. It is alleged that since the year 2012 the victim girl



had established physical relationship with the co-accused Vicky Kumar. In the year 2019 she was minor aged about 15 years. It is further alleged that on 18.11.2017 when the co-accused Vicky Kumar visited the house of the victim girl, in the afternoon he was found in compromising position with the victim girl. On query the co-accused Vicky Kumar accepted that he was in relationship with the victim girl and thereafter on information sent to the family members of the co-accused Vicky Kumar, they reached to the house of the informant and both families agreed for the marriage between the victim girl and said Vicky Kumar. The marriage was later on solemnized on 19.11.2017 itself.

It is alleged that thereafter the victim girl was not taken to her Sasural, the co-accused Uma Nath Singh who is the father of the said Vicky Kumar refused to perform Bidai ceremony of the victim girl. It is lastly alleged that the said Vicky Kumar is working with the Indian Army and when the victim girl contacted the Commanding Officer of the Army with whom the said Vicky Kumar was working he refused to identify the victim girl.

Learned Senior Counsel for the petitioner submits that on the whole reading of the first information report it will appear that save and except the fact that this petitioner is the mother of said Vicky Kumar there is no allegation at all that the petitioner had ever been involved behind the alleged relationship between the son of the petitioner and the said victim girl.



Learned Senior Counsel submits that the brother and sister of said Vicky Kumar who were also made accused in this case have been granted privilege of anticipatory bail by learned coordinate Bench of this Court in Cr. Misc. No. 30198/2019 and the case of this petitioner is similarly situated to those who have been granted privilege of anticipatory bail.

Learned A.P.P. for the State as well as learned counsel representing the informant have opposed the prayer for pre-arrest bail of the petitioner.

Learned counsel for the informant has gone to the extent of arguing that the petitioner was present at the time of marriage and after marriage the victim girl has not been brought to her sasural and therefore the petitioner does not deserve privilege of pre-arrest bail.

Having regard to the facts and circumstances of the case and on going through the entire materials on record particularly the first information report, this Court finds that there is specific case of the victim girl against the co-accused Vicky Kumar and there is no allegation against the petitioner that she was ever instrumental in establishment of the said physical relationship between the victim girl and Vicky Kumar and further there is no specific allegation that this petitioner is involved in any demand of dowry or any overt act or omission against the petitioner, the co-accused similarly situated have been granted privilege of anticipatory bail by learned coordinate Bench of this Court, this Court is inclined to grant the same privilege



to the petitioner. Let the petitioner above named in the event of her arrest or surrender within a period of six weeks from today in connection with Nayagaon P.S. Case No.109/2018 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 1st Additional Sessions Judge, Saran at Chapra, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(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'.

