

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27490 of 2020**

Arising Out of PS. Case No.-89 Year-2018 Thana- CHAND District- Kaimur (Bhabua)

ASHA DEVI Wife of Suraj Yadav Resident of Village - Kilani, P.S.- Chand,
District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr. Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 02-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and
Shri Kalyan Shankar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with
Chand P.S. Case No. 89 of 2018 corresponding to S. Tr. No. 22
of 2019 for the offence punishable under Sections 363, 365,
368, 370/34 of the Indian Penal Code.

The allegation is regarding the petitioner having
entered inside the house of the informant, who was engaged in
making arrangements with regard to the marriage of his sister,
whereupon she is alleged to have kidnapped 8 months old son of
the informant.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner is languishing in custody since 20.04.2018 i.e. since more than two years and she undertakes to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of bail. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 06.09.2018 passed in Cr. Misc. No. 39392 of 2018.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the period of incarceration of the petitioner herein, I deem it fit and proper to grant the privilege of bail to the petitioner, however, subject to certain conditions.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Kaimur at Bhabua in connection with Chand P.S. Case No. 89 of 2018 corresponding to S. Tr. No. 22 of 2019.

It is further directed that the petitioner shall mark her



attendance before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week and in the event of her failure to do so on two consecutive occasions, the present privilege of regular bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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