

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25544 of 2020

Arising Out of PS. Case No.-331 Year-2019 Thana- MAHESI District- East Champaran

SUNITA DEVI W/o Kamlesh Rai @ Kamlesh Kumar Resident of Village-
Bhimalpu, P.S-Mehsi, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Bhushan

For the Opposite Party/s : Mr. B. N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 12-11-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends her arrest in Mehasi P.S. case No. 331/2019 registered under Section 363/365 of the IPC.

The informant, in sum and substance, alleged that when he returned to his house he found that both the hands and mouth of his wife were tied and taped. The informant untied the rope and untaped the mouth of his wife. The wife of the informant disclosed that Rajesh Rai, Ahilya Devi, Ram Ekbal Rai, Umesh Rai, Sunita Devi, the petitioner, Hariom Kumar, Awadhesh Rai, Radha Mohan Rai and Birbal Sahni kidnapped her minor daughter at gun point.

The learned counsel for the petitioner submits that petitioner is innocent and she has, in fact, committed no offence. The petitioner has falsely been implicated in the case on account of enmity. The petitioner is Aanganvari Sevika and on account of enmity she has been framed. The victim eloped with Rajesh Rai and she claimed herself to be married with Rajesh Rai in a temple and she sworn affidavit. The petitioner is distantly



related with family of Rajesh Rai. From perusal of the statement of victim recorded u/s 164 of the Cr. P. C., it would appear that the victim intentionally framed the petitioner in a case of kidnapping. It is unbelievable that 12 persons came to kidnap the victim. The victim is major and she willingly went away along with Rajesh Rai. The supervising authority also found that petitioner has been implicated in the case on account of land dispute but it appears from perusal of the FIR and the case diary that the mother of the victim made specific allegation that all the accused persons kidnapped her minor daughter. During the course of investigation, the victim was recovered and she also disclosed the name of the petitioner as one of the persons who kidnapped her. Even the witnesses reiterated the facts.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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