

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31798 of 2020**

Arising Out of PS Case No.-249 Year-2019 Thana- BHAGALPUR GRP CASE District-
Bhagalpur

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Kalpana Kumari, Aged about 19 years, Female, Daughter of Pappu Yadav,
Resident of Village- Katariya, P.S.- Mufassil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the State : Mr. Ram Naresh Roy, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 10-12-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Rajive Ranjan Singh, learned counsel for the petitioner and Mr. Ram Naresh Roy, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with GRPS Case No. 249 of 2019 dated 17.12.2019, instituted under Sections 369, 370 and 120B of the Indian Penal Code and 84 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

4. The allegation against the petitioner and another co-accused is that she and the other lady had met the informant who



was carrying her 13 months old son and the other lady on the pretext of offering the son biscuits had taken him away and the petitioner is said to have assured the informant that the other lady had only gone to take a walk with the son and would bring him back.

5. Learned counsel for the petitioner submitted that it was the other co-accused who had taken away the son of the informant and the petitioner is only said to have been present along with her. Further, it was submitted that the petitioner did not try to run away and in fact, upon the police coming, she had told them where the other lady was and thus the child recovered. Learned counsel submitted that co-accused Sarika Devi @ Mona Kumari has been granted bail by a co-ordinate Bench on 25.09.2020 in Cr. Misc. No. 24864 of 2020. It was further submitted that the petitioner is an unmarried young girl having clean antecedent and is in custody since 18.12.2019.

6. Learned APP submitted that the recovery of the child has been on the basis of information provided by the petitioner. However, he did not dispute that the allegation is against the other co-accused of taking away the child and not against the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the



petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Railway, Bhagalpur in GRPS Case No. 249 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that she shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of her bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of her bail bonds.

8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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