

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8339 of 2020

Arising Out of PS. Case No.-256 Year-2017 Thana- RAMGARHWA District- East
Champaran

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AITWARI DEVI Wife of Lalan Yadav Resident of Village - Ramgarhwa
Bazar, P.S.- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Vibhakar Kumar
For the Opposite Party/s :	Mr.Vinod Shanker Modi
	Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-06-2020 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 Ms. Anita Kumari Singh, the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Ramgarhwa P.S. Case No. 256 of 2017 arising out of Tr. No. 2234 of 2019 registered for the offence punishable under Section 366(A)/34 of the Indian Penal Code.

The accusation is regarding the neighbour of the informant, namely, Aitwari Devi, i.e. the petitioner herein and one another namely, Samila Khatoon having allured the minor



daughter of the informant and taken her away, whereafter the informant had searched for her daughter and gone to her neighbour's house i.e. Lalan Yadav, however, the house was locked and from the co-villagers, it transpired that Lalan Yadav with his wife i.e. the petitioner herein and with one Dharam Yadav had taken the daughter of the informant in a tempo towards Raxaul.

The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case and the co-accused person, namely, Lalan Yadav has already been granted bail by a coordinate Bench of this Court. It is further submitted that the petitioner has got no complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, perused the materials on record as also gone through the case diary and I find that the complicity of the petitioner is writ large from the records. As far as grant of regular bail to the co-accused person, namely, Lalan Yadav is concerned, a coordinate Bench of this Court in its order dated 14.9.2018 has specifically recorded that the allegation is against the wife of the said Lalan Yadav i.e. the



petitioner herein and one another neighbour of the petitioner and moreover, the said Lalan Yadav had been languishing in custody since 29.12.2017, hence, in such view of the matter, a coordinate Bench of this Court has granted regular bail to the aforesaid Lalan Yadav, as such, the case of the petitioner stands on a different footing and it cannot be said that the petitioner is similarly situated to the said co-accused person, namely, Lalan Yadav.

Considering the aforesaid facts and circumstances of the case, especially the fact that the victim girl has not been recovered till date, I do not find any merit in the present petition, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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