

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29592 of 2020

Arising Out of PS. Case No.-234 Year-2019 Thana- SARAIYA District- Muzaffarpur

Mani Devi, aged about 35 years, Gender – Female, W/o Kamlesh Sahni,
Resident of Vill.-Sheikh Dhanwat P.S.-Saraiya (Jaitpur O.P.), Distt.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate
For the State : Mr.Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 15-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends her arrest in connection
with Saraiya (Jaitpur) P.S. Case No. 234 of 2019 registered for
the offences punishable under Sections 363, 366(A) of the
Indian Penal Code.

The prosecution story in brief on the basis of written
complaint of the informant Kedar Manjhi submitted before the
S.H.O. Saraiya (Jaitpur O.P.), P.S. on 14.04.2019 stating therein
that his daughter namely Vibha Kumari aged about 17 years,
yesterday on 13.04.2019 a phone received on Mobile
No.8259957518 and Vibha talked on mobile 20 to 25 minutes
later. It if further stated that Vibha Kumari came out taking



along with her jewelry of her mother and her sister-in-law and her elder sister together with cash amounting to Rs.15,000/- to Rs.20,000/-. It is further stated that when she was interrogated by her sister-in-law she said that she is coming back from Pokhraira but Vibha Kumari did not return to her house. It is further stated that she used to talk on Mobile No.7061240428 and it is doubted that accused persons have kidnapped with contact on mobile phone of above two numbers.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the statement under Section 164 Cr.P.C. was recorded by the learned Magistrate in which she stated her age as eighteen years and there is no specific allegation against the petitioner. The petitioner is the family member of the co-accused Akhilesh.

After hearing the parties, I have perused the record including the case diary. In the statement under Section 164 Cr.P.C., she stated in her statement dated 12.04.2019, she gave a call to Akhilesh and thereafter she went along with jewelries of her mother, sister, sister-in-law together with cash amount of Rs.2,00,000/-. Further it is stated that on 12.04.2019, she lived in the residence of Akhilesh at Sahebganj. On 13.04.2019 in the



morning at 9 hours Akhilesh her cousin brother, cousin sister sent her to Guwahati in a train and she was given an amount of Rs.4,000/- and jewelry. The rest amount was kept by Moni Devi, mausi of the co-accused Akhilesh.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the above named petitioner in connection with Saraiya (Jaitpur) P.S. Case No.234 of 2019 pending in the court of learned Sub Judge - 1st Cum Additional Chief Judicial Magistrate - 1st Class, Muzaffarpur is hereby rejected. However, the petitioner is directed to surrender before the court below and the learned court below shall dispose of the anticipatory bail application of the above named petitioner on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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