

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30085 of 2020

Arising Out of PS. Case No.-124 Year-2020 Thana- MUFFASIL District- West Champaran

UMRAWATI DEVI W/O Lalbabu Kaushal Raj @ Lalbabu Kuashal @
Lababu Prasad Resident of Village - Rajendranagar, Banuchhapar, P.S. -
Bettiah Muffasil (Banuchhapar O.P.), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Bimlesh Kumar Pandey, Advocate
For the State	:	Ms Pushpa Sinha, APP
For the Informant	:	Mr Dhananjay Kumar No 2, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 23-03-2021 Heard learned counsel for the petitioner, informant and the learned APP for the State.

The petitioner apprehends arrest in Bettiah Mufassil (Banuchhapar Outpost) Police Station (for brevity, *PS*) Case No 124 of 2020 instituted for the offence punishable under Sections 363, 366A/34 of Indian Penal Code and Sections 8 and 18 of Protection of Children from Sexual Offences Act.

It is alleged that the instant petitioner has called the informant's daughter where after she has been kidnapped by her son.

Learned counsel for the petitioner submits that it is a case of elopement of the informant's daughter with the petitioner's son. Family members of the petitioner have been implicated on extraneous considerations. Informant's daughter has already been recovered. Earlier, case diary has been called for. Referring to the same, the parties have assisted the Court.



In certain paragraphs, some people have stated about there being intimacy between the petitioner's son and the victim girl. The Medical Board has assessed the age of the victim girl to be 17 to 19 years.

Learned counsel for the informant and learned APP for the State have submitted that the family members of the victim have stated about the victim being taken away by the petitioner and her family members.

Considering the rival submission and the fact that the instant petitioner is a lady, who happens to be mother of the accused, who allegedly kidnapped the informant's daughter, having no criminal antecedent, I am inclined to allow the prayer for anticipatory bail.

Let the petitioner, above named, in the event of her arrest or surrender before the Court below within four weeks from today, be released on anticipatory bail on her furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, West Champaran at Bettiah in Bettiah Mufassil (Banuchhapar Outpost) PS Case No 124 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her



bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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