

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36555 of 2020

Arising Out of PS. Case No.-490 Year-2020 Thana- BIHARSHARIF District- Nalanda

Sadhna Devi, Female, aged about 50 years, W/o Anil Sharma @ Anil Kumar Sharma, resident of Mohalla - Mogal Kuan, (Etwari Bazar), Police Station - Soh Sarai, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satya Ranjan Sinha, Advocate
For the State	:	Ms. Antia Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Staya Ranjan Sinha, learned counsel for the petitioner and Ms. Anita Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Bihar PS Case No. 490 of 2020 dated 04.08.2020, instituted under Section 366-A of the Indian Penal Code.

4. The allegation against the petitioner is that she, along with her brother and son, had abducted the minor daughter of the informant for the purpose of getting her married to her son and that when the girl had contacted the informant, the informant could hear that the petitioner was also agreeable to such marriage.



5. Learned counsel for the petitioner submitted that the allegation is totally false. It was submitted that the son of the petitioner is also a minor and both the families were living in the rented house of common landowner Ajay. Learned counsel submitted that the FIR has been instituted on 04.08.2020 and the incident is said to have occurred at 10.45 PM and the girl has been recovered and in her statement before the Court under Section 164 of the Code of Criminal Procedure, 1973, on 06.08.2020, she has stated that on 04.08.2020, she had hot talk with her brother due to which she caught a train and came to Patna and got down at Patna City and there she went to the Police Station and told them that she was lost and wanted to go back to her parent's place. The said police had called Nalanda police and they had come and taken her back. It was pointed out that when she was asked whether she had been taken by anybody under any threat or coercion, she has denied the same. Learned counsel for this proposition drew the attention of the Court to Annexure-2, which is copy of the statement of the girl recorded before the Court. It was submitted that just because she is the mother of the co-accused, Prince, she has been made accused and has no criminal antecedent. Learned counsel submitted that the son of the petitioner, namely, Prince, being a



juvenile, has been granted bail by the Juvenile Justice Board.

6. Learned APP submitted that as per the allegation, the minor daughter of the informant was abducted. However, she could not controvert the categorical stand of the girl herself that she herself had run away and, thus, there was no question of involvement of any of the accused as she was never abducted.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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 Chief Judicial Magistrate, Nalanda at Bihar Sharif, in Bihar PS Case No. 490 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of her bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take



immediate action on the same after giving opportunity of hearing to the petitioner.

9. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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