

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16151 of 2021

Arising Out of PS. Case No.-170 Year-2017 Thana- BHANGWANPUR HAT District- Siwan

MAINAWATI DEVI Wife of Kashi Nath Sharma Resident of Village- Sohagi,
P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr.Ashraf Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-01-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

The petitioner is apprehending her arrest in
connection with Bhagwanpur Hat P.S. case No.170 of 2017
registered under Sections 363, 366A of the Indian Penal Code,
pending in the court of Additional Chief Judicial Magistrate II,
Siwan.

Prosecution case, in short, is that the F.I.R. named
accused persons abducted the daughter of the informant.

It has been submitted on behalf of the petitioner that



there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is a lady. It has further been submitted on behalf of the petitioner that from Annexure 2 to the present application, it is evident that the victim had left the house out of her own will and she had instituted a Complaint case against her parents and the contentions made in the Complaint case have been supported during her examination on S.A. by the court below.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R. The victim has been recovered. Her statement under Section 164 of Cr.P.C. has been recorded. As per the statement of the victim, the victim was kept in illegal confinement by the petitioner. The victim was being sold by the petitioner in the flesh trade. She was brutally assaulted by the petitioner. The victim is said to have been recovered from the house of the petitioner. It has further been submitted on behalf of the State that as far as Complaint case is concerned, the victim in her statement recorded under Section 164 of Cr.P.C. has well explained that under compulsion of this petitioner, she had to file a Complaint case and make statement before the court below in the said Complaint case. So the



Complaint case has been well explained by the victim in her statement recorded under Section 164 of Cr.P.C. itself.

Considering the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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