

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6976 of 2022

Arising Out of PS. Case No.-598 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

NIKKI DEVI Wife of Dharmendra Kumar Singh Resident of Village -
Nawada Rup Chhapra, Saranpur, P.S. - Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences (POCSO) Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and the informant alleges that she had come to her parental home, further on 20.11.2020 at 6:00 PM when she was coming back from the Chhat Ghat then her minor daughter was kidnapped by Vikash Kumar Rai and Manish Kumar, it is next alleged that both are friends and are owner of a rice mill, it is next alleged that the kidnapping was done for the purpose to get marriage,



the learned counsel for the petitioner submits that from bare perusal of allegation as alleged in the FIR, it would manifest that the thrust of the allegation is against Vikash Kumar Rai and Manish Kumar, it is next submitted that petitioner is not even named in the FIR, it is also submitted that petitioner is own wife of the brother of the informant and as such his own maternal aunt of the victim, it is next submitted that the petitioner came to be implicated as the victim in her statement under Section 164 Cr.P.C., disclosed her name, wherein she has stated that it was this petitioner who came by car and took the victim from where Vikash kidnapped her.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that informant, who is mother of the victim, has very clearly alleged that it were Vikash and Manish who came on the bike and kidnapped her daughter as such it would manifest that informant was an eye-witness to the occurrence, the learned counsel next submits that still being an eye-witness of the occurrence, the informant did not name the petitioner and later on for some dispute which is going on in the family the present false statement was made by the victim in her statement under Section 164 Cr.P.C., the learned counsel next submits that it



absolutely does not stand to reason that petitioner being own maternal aunt of the victim would have done such an act and thus would have created evidence against herself.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sahebganj P.S. Case No. 598 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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