

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17735 of 2021

Arising Out of PS. Case No.-237 Year-2020 Thana- ITARHI District- Buxar

Urmila Devi W/O Bhikhari Chouhan R/O Village-Itarhi, P.S-Itarhi, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navin Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-01-2022 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 a case registered under Sections 363, 366, 367, 368, 370/34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons took daughter of the informant along with her and later the daughter of the informant did not return.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. On recovery, the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has not named this petitioner. The main allegation is against co-accused namely Dipu with whom it is alleged that the victim got married and subsequently got separated which led to the institution of the present case. Other co-accused has been granted anticipatory bail vide order dated 24.11.2021 passed in Cr. Misc. No. 17698 of 2021 by a Coordinate Bench of this Court.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before



the learned court below within a period of twelve weeks from today, be released on anticipatory bail on her personal bonds to the satisfaction of learned A.C.J.M. -IV, Buxar in connection with Itarhi P.S. Case No. 237/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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