

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13415 of 2022

Arising Out of PS. Case No.-659 Year-2021 Thana- MAHUA District- Vaishali

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GUDI KUMARI @ GUDDI DEVI D/o Arjun Ray Resident of Village-
Kanhauli Bishanparsa (Mansipur), P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 366A and
34 of the Indian Penal Code.

The informant alleges that on 22.10.2021 at about
10:00 am, his neighbor Madhuri Devi had a quarrel with his
wife with regard to marriage of his daughter (victim) thereafter
on the same day at about 5:00 pm, his minor daughter was
missing, accordingly a search was made but the victim could not
be found, thus based on suspicion, the present F.I.R. came to be
instituted against the accused persons.

Learned counsel for the petitioner submits that the
petitioner is a women having clean antecedent and has been



falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that when the informant was aware that his minor daughter was missing on 22.10.2021, why the present F.I.R. came to be instituted on 28.10.2021 i.e., after a delay of more than six days without any plausible explanation. Learned counsel further submits that petitioner is also not named in the F.I.R. as such initially no aspersion or suspicion was even cast upon her, it is next submitted that the victim has come back and her statement was recorded under Section 164 Cr.P.C. wherein she has stated that her mother had taken loan of Rs.10,000/- from her neighbor and on account of said dispute, the son-in-law of the neighbor took her to her house and kept her for eight days and then left her to go back home, she had further stated that Chandan, Nawal and petitioner were also involved in taking her away. Learned counsel submits that from perusal of her statement made under Section 164 Cr.P.C. it would manifest that the same appears to be tutored and it does not inspire confidence as the victim does not even remotely suggest that she was misbehaved rather she has stated that she was kept in the house for eight days and then the accused persons left her, this amply demonstrates that for some ulterior reason, the victim was made to give the said tutored statement.



Learned counsel next submits that petitioner suffers from disability of 70 percent as would be evident from Annexure-3 to the anticipatory bail application.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to rebut the submission of the learned counsel for the petitioner that the F.I.R. came to be instituted after a delay of eight days which casts aspersions on the veracity of the allegations as alleged in the F.I.R.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mahua P.S. Case No. 659 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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