

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14335 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- PATAHI District- East Champaran

HASIBUN NESHA, wife of Fakir Dewan R/O Village- Lahsaniya P.S-
Patahi, Panchpakri O.P, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 363,
366(A), 34 of the Indian Penal Code and Sections 8 and 10 of
the POSCO Act.

The informant alleges that his minor daughter was
kidnapped on 24.07.2021 at 7:00 pm by six accused persons
including the petitioner, it is next alleged that because of
personal search there was a delay in instituting the FIR.

Learned counsel the petitioner submits that petitioner
is a person with clean antecedent and has been falsely
implicated in the present case, it is next submitted that the



victim is aged in between 18-19 years, it is also submitted that petitioner and the informant are neighbours and are having land dispute. Learned counsel further submits that victim has come back and her statement has been recorded under Section 164 Cr.P.C. wherein she has supported the prosecution case but has not named the petitioner. Learned counsel next submits that the date of occurrence is 24.07.2021 and the FIR was instituted on 01.08.2021 i.e., after a delay of nearly eight days, it is thus submitted that it does not stand to reason that the informant would have continued searching the victim for eight days without instituting an FIR that in itself demonstrates that the occurrence took place in some other manner and the petitioner came to be implicated merely on account of land dispute, it is also submitted that the matter now has been compromised on intervention of the well wishers.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees



Five 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 Patahi P.S. Case No. 136 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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