

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30945 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- DUMARIYA District- Gaya

MUNNI DEVI WIFE OF MUKESH KUMAR R/O MOHALLA- DAKHIN
DARWAJA, P.S.- VISHNUPAD, DISTRICT- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 08-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Dumaria Police Station Case No. 05 of 2021, registered for the
offences punishable under Sections 363/366-A of the Indian
Penal Code.

The prosecution case, as per the First Information
Report, is that the minor daughter of the informant, aged about
16 years, had gone to market, but did not return till late hours.
The informant suspected that some unknown persons has
abducted her daughter with intention to marry her.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and she has
not committed any offence in the manner alleged. He further



submits that the petitioner is not named in the First Information Report and the First Information Report has been lodged after a delay of one month. He further submits that the victim girl was recovered by the police and her statement, under Section 164 of the Code of Criminal Procedure, 1973, was recorded in which she has stated that she had met with one Reena Devi and said Reena Devi sent her along with one Constable Vikram, who committed rape upon her and handed her over to one Ruby Devi and subsequently Ruby Devi brought her to the petitioner at Gaya and after staying there for one week, said Ruby Devi again took the victim girl to village Pachati, Bodhgaya and handed over the victim girl to Constable Vikram, who again committed rape upon her and prepared indecent video also and on 06.01.2021, the victim girl fled from there and went before the petitioner and after staying there for about 10-15 days, when the victim girl was returning back, co-accused Constable Vikram again caught her and kept her before a dancer. He further submits that from perusal of the statement of the victim girl, recorded under Section 164 of the Code of Criminal Procedure, 1973, it would be evident that she has not stated anything against the petitioner and after fleeing from the captivity of Constable Vikram, she had herself came before the petitioner



and stayed there for about 10-15 days. He further submits that the petitioner is in custody since 29.01.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood of the petitioner being abscond or tamper with the evidence.

On the other hand, learned Additional Public Prosecutor, referring to the contents of the case diary, submits that except the statement of the victim girl, recorded under Section 164 of the Code of Criminal Procedure, 1973, no material has come against the petitioner in the entire case diary.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the statement of the victim girl, recorded under Section 164 of the Code of Criminal Procedure, 1973, and the fact that the petitioner is in custody since 29.01.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya, in connection with



Dumaria Police Station Case No. 05 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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