

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25070 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- MADHEPUR District- Madhubani

ASHA DEVI W/o- Late Bahrosi Kamti Resident of village - Uzan
(Dharmpur), P.O.- Lohna Road, P.S. - Sakatpur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avanindra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-11-2022 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 365 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a woman having clean antecedent and the informant alleges that on 26.04.2021 at about 10:00 am, the accused persons, including the petitioner, enticed his minor daughter and took her away from his lawful guardianship.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the statement of the victim was recorded under Section 164 Cr.P.C. wherein she has not supported the case of the prosecution, it is fairly submitted that her age was assessed



below 18 years as her date of birth is 15.04.2004, it is also submitted that the case was instituted in the year 2021 as such the victim was above 17 years of age and thus was capable of understanding the consequences of her action. Learned counsel submits that since the victim has not supported case of the prosecution as such no useful purpose would be served by sending the petitioner to jail.

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 his 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 Madhepur P.S. Case No. 65 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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