

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33275 of 2021

Arising Out of PS. Case No.-546 Year-2020 Thana- FATUA District- Patna

SHOBHA KUMARI D/o Bhaso Kumar Resident of Village- Maranchi, P.S.-
Maranchi, District- Patna, at present residing at Village- Lemuabad, Sonu
Tola, P.S.- Pandarak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar, Adv

For the Opposite Party/s : Mr.Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-06-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending her arrest in a case
registered for the offences punishable under Sections
363,365/34 of the Indian Penal Code.

The prosecution case, in short, is that the petitioner
alongwith her mother Babita Devi, her brother Kundan Kumar,
Kundan Kumar's father-in-law, Kapil Yadav and brother-in-law
Nitish Kumar and other kidnapped her step brother Gautam
Kumar. It has further been alleged that she was standing outside
the gate alongwith other co-accused persons at the time of



kidnapping.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner is daughter of the informant and in fact the mother of the petitioner has filed a maintenance case against the informant so the petitioner has falsely been implicated in the present case. He further submits that the victim boy, namely, Gautam Kumar recovered and his statement recorded under Section 164 Cr.P.C. in which he has not named the petitioner and only stated that she was standing there at the time of occurrence.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with G.R.No.2679 of 2020 arising out of Fatuha P.S. Case No. 546 of



2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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