

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39989 of 2022

Arising Out of PS. Case No.-291 Year-2021 Thana- BHANGWANPUR HAT District- Siwan

Lalsa Devi W/o Rajdev Ram, Resident of Sondhani , P.s.- Bhagwanpur haat
Thana, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bhagwanpur Haat P.S. Case No. 291 of 2021, lodged under
Sections 363, 366(A)/34 and 120B of the Indian Penal Code.

As per prosecution case, the allegation of kidnapping
of the informant's minor daughter is there, in which F.I.R. has
been lodged against 6 named accused persons.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that from the F.I.R., it transpires that the present F.I.R.
has been lodged after delay of 5 days. He also submits that in

the contents of F.I.R., it is crystal clear that this F.I.R. has been lodged on hearsay evidence and the story of political rivalry has also been indicated by the informant in this F.I.R. itself. He further submits that all the materials either in case diary or in the F.I.R. all are based on hearsay material. Learned counsel for the petitioner further submits that petitioner is lady and she is in custody since 05.03.2022 having one criminal case pending against her, in which she is on bail.

Learned counsel for the State vehemently opposes the prayer for bail and submits that there are independent witnesses who had supported the case of prosecution.

On previous occasion this Court has directed to the Superintendent of Police to recover the victim girl, but instead of recovery of said girl, the Superintendent of Police through prosecution seeks one month more time.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted **provisional bail** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Siwan in connection with Bhagwanpur Haat P.S. Case No. 291 of 2021, subject to the conditions as laid down

under Section 437(3) of Cr.P.C.

The confirmation of bail of petitioner shall be subjected to report and recovery of girl submitted before the Trial Court including the statement under Section 164 of Cr.P.C.

The Trial Court is directed to take appropriate steps for confirmation of bail on the basis of documents which shall be submitted by the Police upon recovery.

With this observation, the bail application stands disposed off.

(Dr. Anshuman, J.)

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