

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56729 of 2021

Arising Out of PS. Case No.-115 Year-2021 Thana- AAJAM NAGAR District- Katihar

Heena Devi W/O Late Soyab Ravidas R/O Dholmara, P.S-Azam Nagar,
District-Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate.

For the Opposite Party/s : Mr. M.K. Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rajendra Prasad Sah, learned counsel for the petitioner as well as Mr. M.K. Nirala, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Azam Nagar (Salmari O.P.) P. S. Case No. 115 of 2021 registered for the offences punishable under Sections 363, 365 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that informant's son, aged about three years old was plying outside the home, found disappeared, after searching him everywhere,



his whereabouts could not be traced, then the informant lodged First Informant Report alleging therein that the boy may have been kidnapped by Heena Devi (petitioner) and co-accused Munna Sah. Subsequently the police apprehended the petitioner and on her disclosure, the child was recovered from the house of co-accused Munna Sah.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be a widow lady and earns her livelihood by selling vegetables and only on account of suspicion her name has been implicated in this case. It is next submitted that neither the informant nor any other witnesses has claimed to have seen occurrence of abduction by the petitioner but as she was knowing this fact that the victim boy went to the house of Munna Sah, she disclosed this fact bona fidely to all and thereafter, she was arrested. It is further submitted that had the petitioner been involved in the present crime, she would have been certainly fled away from the place of occurrence but on the next date, she was apprehended from her house and she disclosed the whereabouts of the victim boy bona fidely. It is last submitted that another accused person namely Munna Shah from whose house the victim boy has recovered has already been granted by learned coordinate Bench



of this Hon'ble Court in Cr. Misc. No. 53149 of 2021 vide order dated 19.05.2022, so far this petitioner is concerned, she is in custody since 19.05.2021, having fair antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that during the course of investigation it has come that the petitioner was seen along with victim boy and thereafter, the victim boy was found traceless and later on, the disclosure made by the petitioner, the victim boy has been recovered from the house of co-accused Munna Shah @ Shayam Kumar Sah.

Regard being had to the submissions made on behalf of the parties and taking into account the period of custody coupled with the fact that the co-accused person from whose possession the victim boy has been recovered has already been granted bail by learned coordinate Bench of this Court and she being lady is in custody since 19.05.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azam Nagar (Salmari O.P.) P. S. Case No. 115 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with



further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain present on each and every date of trial till disposal of the case.
- (iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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