

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43862 of 2022**

Arising Out of PS. Case No.-51 Year-2021 Thana- BAGHA District- West Champaran

Asha Devi W/O Dhrup Yadav Resident of village- Chhatraul, P.S.- Bagaha,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 16-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner is apprehending her arrest in a case
registered for the offences punishable under Sections 366(a) and
34 of the Indian Penal Code and Section 8 of POCSO Act which
was added later on.

According to prosecution, on 25.01.2021 when the
daughter of the informant was going for coaching all the
accused persons named in the FIR took away her by a Scorpio
vehicle of one Jagarnath Yadav. This incident was seen by
Shambhu Yadav and Chhota Yadav while they were coming to
their village from Bagaha market. After the occurrence the



informant came to know that Dhananjay Yadav with the help of his family and relative have kidnapped his daughter for the purpose of marriage.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case only on the ground that the petitioner is the mother of the co-accused namely Dhananjay Kumar who is happened to be now husband of the victim. He further submits that the victim was recovered and her statement was recorded under Section 164 of Cr.P.C. in which she has categorically stated that she was in love with the son of the petitioner and they have performed the marriage with the son of the petitioner on 26.01.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of her arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond or Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bagaha P.S. Case No. 51 of 2021,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 her absence on two consecutive dates without sufficient reason, 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.

3. 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 her 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)

sandeep/-

U		T	
---	--	---	--

