

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46083 of 2022

Arising Out of PS. Case No.-998 Year-2021 Thana- SITAMARHI District- Sitamarhi

Babita Devi Wife of Late Saroj Singh @ Suraj Kumar Singh Resident of
village - Sighorava @ Singhorava, P.S. - Riga, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Choudhary Shyam Nandan, Adv.
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-11-2022 Heard Mr. Choudhary Shyam Nandan, learned
advocate for the petitioner and Mr. Rampriya Sharan Singh,
learned APP for the State.

The petitioner, a widow, seeks bail in connection with
Sessions Trial No. 87 of 2022 arising out of Sitamarhi P.S. Case
No. 998 of 2021 dated 12.12.2021 instituted for the offences
under Sections 363 of the Indian Penal Code and subsequently
added Section 364(A) of the Indian Penal Code.

The accusation against the petitioner is that she took
away one of the kids of the Informant and later handed over the
child to the mother.

Before the child was handed over to her mother, the
case had already been lodged.

However, from the order impugned, the facts appear



to be different.

It has come during the course of investigation that ransom call was made at the instance of the petitioner for Rs. 2 lacs for return of the child.

The learned counsel for the petitioner has submitted that such information is only the handiwork of the police who wanted to justify the arrest.

The petitioner does not have criminal antecedents.

According to the information of the learned counsel for the petitioner, apart from her, nobody else has been made accused in this case. He therefore submits that it appears to be doubtful that a widow lady, without any accomplice, would indulge in a criminal act of kidnapping and then seeking a ransom for release of the child.

According to the explanation offered by the petitioner, while she was offering her prayers in a local temple, she saw the kid moving around. Out of her motherly instincts, she took the child in her lap. No sooner the relatives of the child came, she handed over the child to them. Had it not been the case, she would not have kept the kidnapped child in a public place like temple.

The petitioner is in custody since 16.12.2021 and up-



till now, according to the learned counsel for the petitioner, not a single witness has been examined.

Considering all the above noted facts, the petitioner is directed to be released on bail on her furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Sitamarhi in connection with S.Tr. No. 87 of 2022 arising out of Sitamarhi P.S. Case No. 998 of 2021.

However, one of the bailors shall be the son of the petitioner, who is a major according to the information provided in the affidavit attached with the bail petition.

(Ashutosh Kumar, J)

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