

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3819 of 2022**

Arising Out of PS. Case No.-45 Year-2019 Thana- SHYAMPUR BHATHA District- Sheohar

Janki Devi Wife Of Rupan Kumar R/O Village- Mashan, Dumari Katsarai,  
P.S.- Shyampur Bhataha, District- Sheohar

... .. Appellant/S

Versus

1. The State Of Bihar
2. Mithlesh Devi Wife Of Shri Parmeshwar Ram R/O Village- Mashan, Dumari Katsarai, P.S.- Shyampur Bhataha, District- Sheohar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Madhubala Verma, Advocate  
For the Respondent/s : Ms. Usha Kumari 1, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      01-12-2022      Heard learned counsel for the appellant and learned  
Special Public Prosecutor.

The present appeal is directed against the order dated 16.08.2022 passed by learned Ist Additional District and Sessions Judge-cum-Special Judge, Sheohar in a case registered for the offence punishable under Sections 363, 376 and 366A of the Indian Penal Code, Section 4 of the POCSO Act and Sections 3(2)(va) of the SC/ST Prevention of Atrocities Act whereby anticipatory bail of the appellant has been rejected.

It is a case of abduction of minor daughter of the informant.

It is submitted by learned counsel for the appellant that the victim was recovered and she has not whispered about complicity of the accused persons and solemnized marriage with co-accused Raju Kunwar two years earlier and became pregnant. He



further submits that the petitioner is the mother of co-accused Raju Kunwar and there is no specific allegation of overt-act against the appellant of this case.

Learned counsel for the Special Public Prosecutor on the other hand opposes the prayer for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the Court is inclined to allow this appeal. Accordingly, the instant appeal is allowed and the impugned order dated 16.08.2022 passed in ABP No.415 of 2022 is hereby set aside.

The appellant is directed to be enlarged on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional District & Sessions Judge-cum-Special Judge, Sheohar in connection with Shyampur Bhataha P.S. case No. 45 of 2019.

**(Sunil Kumar Panwar, J)**

Brajesh Kumar/-

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