

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5749 of 2023

Arising Out of PS. Case No.-37 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

OMWATI Wife of Shankar Lal R/o Chamarigarhi Ushra, P.S- Tundla, Dist-
Ferozabad Uttar pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 363, 365, 370, 372 and
373 of the Indian Penal Code.

As per prosecution case, the informant's daughter-in-
law namely, Sunita Devi, who has a daughter aged about two
and half years. It is alleged that on 28.01.2020, elder sister of
the wife of the brother of the informant namely, Omwati
(petitioner) took daughter-in-law of the informant stating that
she is her niece and took her on the pretext of outing. It is
alleged that the informant tried her best to search her daughter-
in-law, but no trace of her was found. The informant
apprehended that her daughter-in-law has been sold for the



purpose of prostitution.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Victim is a married lady and petitioner is the Step-mother of the victim. The victim lady has recovered and her statement recorded u/s 164 of the Cr.P.C., which is mentioned in vide para-60 of the case diary, she stated that her step-brother and the petitioner taken away her along with two years old child at Delhi, where she assaulted and harassed by them. She further stated that the step-brother committed rape upon her and they wanted to solemnized marriage of the victim with other person but that person also committed rape upon her. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 17.02.2020.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, period of custody as well as petitioner being a lady, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.



10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court concerned in connection with Mouzahidpur P.S. Case No. 37 of 2020.

(Sunil Kumar Panwar, J)

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