

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12496 of 2023

Arising Out of PS. Case No.-139 Year-2022 Thana- BHAGWANPUR District- Vaishali

1. REKHA DEVI WIFE OF SHAMBHU RAI @ SHAMBHU RAY R/O VILLAGE- KARHARI, P.S.- BHAGWANPUR, DISTRICT- VAISHALI
2. RANI KUMARI D/O SHAMBHU RAI @ SHAMBHU RAY R/O VILLAGE- KARHARI, P.S.- BHAGWANPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar
For the Opposite Party/s : Mrs. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 363, 366(A) of the Indian Penal Code.

The allegation against the petitioners is that they alongwith other co-accused persons kidnapped the daughter of the informant under conspiracy and concealed her for the purpose of bad act.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such



occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The occurrence took place on 30.03.2022 and the FIR was lodged on 08.06.2022 i.e. after a delay of 69 days, without giving any credible explanation regarding the said delay which creates a doubt over the genuineness of the prosecution story. The petitioners are ladies and petitioner no.2 is the unmarried daughter of petitioner no.1. There is no specific overt act against the petitioners. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that the victim has supported the prosecution case in her statement recorded u/s 164 of Cr.PC.

Having regard to the facts and circumstances of the case as there is a delay in lodging of FIR as well as considering the fact that the petitioners are ladies, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below



where the case is pending/Successor Court in connection with
Bhagwanpur P.S. Case No.139 of 2022, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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