

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26176 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- KAKO District- Jehanabad

REKHA DEVI @ REKHA KUMARI WIFE OF PREMSHANKAR KUMAR
RESIDENT OF VILLAGE - DHARHARA, P.S. - PALIGANJ, DISTT. -
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar No. 1, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Kako PS case no. 98 of 2022, registered for
the offences punishable under Section 366(A) of the Indian
Penal Code and Section 8 of Prevention of Children from
Sexual Offences Act.

The allegation is regarding one Gautam Kumar
having kidnapped the victim girl while she had gone for
coaching on the alleged date and time of occurrence. It is also
alleged that other accused persons including the petitioner
herein, who is the sister of the main accused person namely
Gautam Kumar had also helped in kidnapping the said victim



girl.

The learned counsel for the petitioner submits that the petitioner is innocent, she has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the main accused is the said Gautam Kumar, who is stated to have lured and taken away the victim girl along with him, whereafter they have solemnized marriage, however, the petitioner is not having any role to play in the said occurrence and in fact, the victim girl has also been recovered by the police.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the main accused person is one Gautam Kumar, who is stated to have lured the victim girl and solemnized marriage with her, though I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail, however, subject to verification by the learned trial court as to whether the said victim girl has been recovered or not.



Accordingly, the abovenamed petitioner, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-cum-Special Judge (POCSO) Act, Jehanabad in connection with Kako PS case no. 98 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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