

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22071 of 2022

Arising Out of PS. Case No.-184 Year-2021 Thana- JALALPUR District- Saran

-
1. BUDHA DEVI W/O KISHUN MAHTO R/o village- Kotheyan, P.S.- Jalalpur, District- Saran
 2. Yashwant Mahto @ Bhisham Mahto S/o Kishun Mahto R/o village- Kotheyan, P.S.- Jalalpur, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Mahto, Son of Ramayan Mahto, R/o Village-Kotheye, P.S.- Jalalpur, District-Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj, Advocate
For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-10-2023 Prayer for anticipatory bail of petitioner No.2 has already been dismissed as withdrawn vide order dated 29.09.2022.

2. Heard Mr.Harsh Anuj, learned counsel for the petitioner No.1, namely, Budha Devi and Mrs.Indu Kumari Srivastava, learned Additional Public Prosecutor for the State.

3. Petitioner No.1, namely, Budha Devi is apprehending her arrest in connection with Jalalpur P.S. Case No. 184 of 2021, FIR dated 29.07.2021 registered for the offence punishable under Sections 363,366(A)/34 of IPC.

4. The prosecution case, in short, is that on 25.07.2021, accused persons including the petitioner are alleged



to have kidnapped the minor daughter (the victim) aged about 16 years of the informant for the purpose of marriage.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. Further submits that the informant is not the eye witness of the alleged occurrence and it appears from the FIR that the date of occurrence as alleged in the FIR is 25.07.2021 but the present FIR has been instituted on 29.07.2021 after delay of four days without giving any explanation of delay. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or abduction against the petitioner and after filing of the present FIR the informant has filed an application before the Superintendent of Police, Saran at Chapra clearly stating therein that the informant is not the author of the FIR and he has not stated anything about the petitioner and how the name of the petitioner is incorporated in the FIR and he has no information and he has not stated anything about the petitioner in the FIR. Further submits that no cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

6. Learned APP for the State, on the other hand, has



vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the victim girl is still traceless.

7. Considering the aforesaid facts, let petitioner No.1, namely, Budha Devi, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Saran at Chapra in connection with Jalalpur P.S. Case No. 184 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

