

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19842 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

ETWARI DEVI wife of Hari Bind Resident of Village - Baghi, P.S.- Sonhan,
District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22721 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

GUDIYA DEVI Wife of Sona Bind Resident of village - Baghi, P.S.- Sonhan,
District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19842 of 2022)

For the Petitioner/s : None

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 22721 of 2022)

For the Petitioner/s : None

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 09-01-2023 No one appears for the petitioners. Learned APP for
the State is present.

The petitioners have preferred this application for
grant of regular bail in a case registered under sections 366A
and 34 of the Indian Penal Code.

As per the prosecution case, the informant states



that her 16 year daughter who had gone to the market to purchase vegetables did not return and was not to be found. In course of search she came across a mobile phone number which belongs to one Lala Bind. The informants state that she is convinced that her minor daughter has been taken away for the purpose of marriage.

From the contents of the petition of the petitioner Etwari Devi it transpires that the case of the petitioner is that she is not named in the FIR. She has been falsely implicated in the case on the basis of confessional statement and dirty village politics. The so called 164 Cr.P.C. statement was recorded after a delay of 3 days. The girl was voluntarily residing with the boy at Hathras. The victim has not disclosed the real facts. The petitioner is in custody since 9.1.2022.

The case of the petitioner Guria Devi is that the victim fled away with another person namely Gajendra Kumar. The petitioner has been falsely implicated in the confessional statement which has no evidenciary value. The victim has made her statement under section 164 Cr.P.C. only with the intention to save the married boy. There is inconsistency in her statement. She is in custody since 9.1.2022 and has no criminal antecedent.

Having heard learned APP and having perused the



materials on record, it transpires that the daughter of the informant returned and her statement was recorded under section 164 Cr.P.C. wherein she has categorically stated that Sanjay Kharwar had taken her along with him and sold her to the petitioners Guria Devi and Etwari Devi for Rs. 20,000/- and in turn they were also making an attempt to sell her but were not successful.

In view of the contents of the statement of the victim daughter of the informant under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioners on bail and both the applications are rejected.

(Partha Sarthy, J)

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