

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23638 of 2023

Arising Out of PS. Case No.-676 Year-2022 Thana- MAJHAULIA District- West Champaran

PREETI KUMARI D/O MANOJ DAS Resident of Village- Senuwariya, P.S.-
Majhauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 346,
347, 376, 120B, 506 of the Indian Penal Code and Sections 4
and 6 of the POCSO Act.

3. The informant alleges that her minor daughter aged
about 13 years had gone to purchase medicine on 08.09.2022 in
the evening but did not return, after search of two days, the
victim was recovered who disclosed that while she was
returning after purchasing medicines, Sangita called her and
locked her in her room, thereafter, Kishore along with Pramod
took her on a Scorpio vehicle near Banuchappar and confined
her in a room and thereafter, Pramod established physical



relation, thereafter, Sangita along with her married daughter (petitioner) came along with Kishore and threatened her, further, Kishore put her on a bus and thereafter, the victim came back.

4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is women.

5. Learned counsel for the petitioner submits that from bare perusal of the allegations as alleged in the FIR, it would manifest that the same does not inspire confidence moreso when the date of occurrence is 08.09.2022 and the FIR has been instituted on 14.09.2022 i.e., after the recovery of the victim, it is next submitted that if the victim would have been kidnapped then definitely the informant or her family members would have instituted a case regarding kidnapping but the same was not done which further casts an aspersion on the case of the prosecution as to whether even the victim was kidnapped by the accused persons. Learned counsel next submits that even presuming what has been alleged is true without admitting then the only allegation against this petitioner is that she along with her mother came to Banuchappar and threatened along with Kishore but then the allegation does not disclose that what was the nature of threat and why the petitioner would have threatened the victim.



6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Majhauriya P.S. Case No. 676 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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