

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23851 of 2023

Arising Out of PS. Case No.-850 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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RADHIKA KUMARI @ RADHIKA DEVI D/o Balli Sahni Resident of
village-Mathiya, P.S.-Muffasil, Distrcit-East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate.

For the Opposite Party/s : Mr.Arun Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-07-2023 Heard Ms. Rashmi Jha, learned counsel for the

petitioner and Mr. Arun Kumar Pandey, learned Additional

Public Prosecutor appearing for the State.

Petitioner apprehends her arrest in connection with
Muffasil P.S. Case No. 850 of 2022 dated 5.12.2022 registered
for the offence punishable under Sections 363, 366-A/34 of the
Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution case the informant has alleged
that the petitioner and other accused persons abducted the minor
daughter of the informant for the purpose of marriage.

Ms. Rashmi Jha, learned counsel for the petitioner
submits that the petitioner has falsely been implicated in this
case and the statement of the victim girl recorded under Section



164 Cr. P.C. is concocted one and has been made by the victim under pressure of her parents. The petitioner has been made accused in the present case only because she happens to be the relative of Akhilesh Kumar.

I have heard learned counsel for the parties.

From perusal of the First Information Report and the impugned order, it appears that the victim, who is minor, in her statement recorded under Section 164 Cr. P.C. has stated that she was called by the petitioner from her home on the pretext of walking and brought her in the contact of one Akhilesh Kumar who abducted the victim girl. The learned Sessions Judge in the impugned order has arrived at the finding that there is direct and specific allegation against the petitioner and there is incriminating material regarding her role in the kidnapping of the victim girl as per the victim's statement recorded under Section 164 Cr. P.C. No cogent ground has been placed before this Court for differing with the finding of the learned Sessions Judge who has rejected the bail application of the petitioner.

Accordingly, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner stands rejected.



However, if the petitioner surrenders and prays for regular bail, the learned District Court shall consider the same on its own merit without being prejudiced by the fact that the anticipatory bail application of the petitioner has been rejected.

(Anil Kumar Sinha, J)

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