

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26373 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- KHAJAU LI District- Madhubani

SONI DEVI WIFE OF LATE AMRESH GUPTA R/O- VILL- MATIYARBA
(BHAKUA) P.S.- KHAJAU LI DISTRICT-MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav, Advocate
	:	Mr.Ravi Prakash, Advocate
	:	Mr.Rajesh Kumar, Advocate
For the Opposite Party/s :	:	Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 06-02-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Khajauli P.S. Case No. 34 of 2022,
registered for the offences punishable under
Sections 366A, 504, 363, 506, and 34 of the Indian
Penal Code and Section 8 of POCSO Act.

The allegation is regarding the accused
persons having kidnapped the victim girl.

In pursuance to the earlier order of this
Court dated 10.01.2023, the victim girl was
recovered, hence, vide order dated 18.01.2023,
the Superintendent of Police, Madhubani was



directed to get the statement of the victim girl recorded under Section 164 of Cr.P.C., before the learned Magistrate. Today, the learned APP for the State Shri Tarkeshwar Nath Thakur has produced a copy of the statement of the victim girl recorded under Section 164 Cr.P.C, before the learned Magistrate, which is taken on record.

The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case, she is having a clean antecedent and she is languishing in custody since 30.03.2022. The learned counsel for the petitioner has further submitted that the petitioner is the mother of the co-accused person, namely, Krishna Kumar Gupta and she has got nothing to do with the alleged occurrence.

Per contra, the learned A.P.P. 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 petitioner and taking into account the materials



available on record as also having perused the statement made by the victim girl under Section 164 Cr.P.C, before the learned Magistrate, this Court finds that the victim girl has named the son of the petitioner i.e. Krishna Kumar Gupta as the person with whom she had developed a love affair, whereafter she had fled with him and solemnized marriage, and then the victim girl and the petitioner were staying in Nepal as husband and wife. The age of the victim girl is stated to be nineteen years, in the said statement made by the victim girl under Section 164 Cr.P.C.

Under the circumstances, this Court finds that as far as the petitioner is concerned, she is having no complicity in the matter, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to 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 Additional District and Sessions Judge-



VI-cum-Special Judge POCSO Act, Madhubani in
connection with Khajauli P.S. Case No. 34 of 2022.

(Mohit Kumar Shah, J)

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