

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28159 of 2023

Arising Out of PS. Case No.-155 Year-2021 Thana- JHANJHARPUR District- Madhubani

Domni Devi W/O Mahesh Mahto R/O Village- Dhepura, P.S.- Jhanjharpur,
District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
06.05.2022 in connection with Jhanjharpur A.S.O.P., P.S. Case
No. 155 of 2021, F.I.R. dated 20.06.2021 for the offences
punishable under Sections 366A, 372/34 of the Indian Penal
Code.

According to prosecution case, as per F.I.R. the
informant stating therein that when his daughter had gone to
Mango orchard in the village and thereafter she did not come
back to home then informant started searching his daughter and
it was come to knowledge of informant that his co-villager
Sharwan Kumar has kidnapped his daughter with intention to
marry with her with the help other co-accused persons.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against petitioner rather there is special allegation against co-accused namely, Sharwan Kumar who abducted the daughter of the informant. He further submits that in fact the petitioner is the mother of the co-accused namely, Sharwan Kumar so she has been implicated in the present case. He further submits that the victim girl was recovered and her statement was recorded under Section 164 of Cr.P.C. in which she has not stated anything about the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 06.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances and period of custody, let the petitioner, above named, 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 the learned A.C.J.M.-1st, Jhanjharpur in connection with Jhanjharpur A.S.O.P., P.S. Case No. 155 of 2021, subject to the following conditions:-



1. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 his criminal antecedent, 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)

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