

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29950 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- LAUKAHA District- Madhubani

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DURGA DEVI @ DURGI DEVI Wife of Pawan Kumar Sah Resident of
village - Baurha, P.S. - Laukaha, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-08-2023

Heard the parties.

The petitioner is in custody in connection with
Laukaha P.S. Case No. 11 of 2023 for the offence under sections
363, 366(A)/34 of the Indian Penal Code lodged on 13.01.2023
by the informant, Vimal Kumar Mahto.

As per the prosecution story, the informant alleged
that his minor daughter had gone to attend the coaching institute
but failed to return and later, allegation is that she has been
taken away for the purpose of marriage. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that
subsequently the girl recovered and statement under section 164
of the Cr.P.C. has been made in which though, she alleged of
having taken away, no physical relationship was alleged and
further, upon knowledge of the arrest of his mother, Prakash



Kumar Mahto brought her back.

The further submission is that the petitioner is in custody since 16.01.2023 (as stated in paragraph 11 of the petition).

Learned APP opposes the prayer for bail stating that her role has also come in course of investigation.

Taking into account the fact that the petitioner is a lady, do not have criminal antecedent, the allegation is against her son, and is in custody since 16.01.2023, this Court is inclined to extend her the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M. Jhanjharpur, Madhubani, in connection with Laukaha P.S. Case No. 11 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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