

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28896 of 2023

Arising Out of PS. Case No.-382 Year-2020 Thana- PAHARPUR District- East Champaran

Rashmi Devi Wife Of Vinoda Nand Pathak R/O-Sareya Tilanga Tola, Ward
No. 8, P.S.-PAHARPUR, Distt.-EAST Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
14.02.2023 in connection with Paharpur P.S. Case No. 382 of
2020, F.I.R. dated 14.10.2020 for the offences punishable under
Sections 363, 366A, 354B/34 of the Indian Penal Code.

According to prosecution case, the son and husband of
the petitioner are alleged to have kidnapped the minor daughter
of the informant for the purpose of marriage.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and she has falsely been
implicated in the present case merely on the ground that the



petitioner is mother of co-accused, namely, Golu Pathak and wife of another co-accused, namely, Vinodanad Pathak. He further submits that in fact, the son of the petitioner was in love with the victim and the petitioner has no role at all in the present occurrence. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Golu Pathak who is son of the petitioner has been granted bail by a Co-ordinate Bench of this Court vide order dated 21.12.2022 passed in Cr. Misc. No. 61826 of 2022 and another co-accused, namely, Vinodanand Pathak who is husband of the petitioner has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.05.2022 passed in Cr. Misc. No. 3726 of 2022. The petitioner is in custody since 14.02.2023.

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

Considering the aforesaid facts and circumstances, 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 6th Additional Sessions Judge-cum-Special Judge, POCSO Act,



Motihari, East Champaran in connection with Paharpur P.S.

Case No. 382 of 2020, 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 her absence on two consecutive dates without sufficient reason, her 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 her 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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