

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31110 of 2023**

Arising Out of PS. Case No.-53 Year-2022 Thana- MAHILA PS District- Gaya

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GUDIYA DEVI Wife of Shiv Ratan Ram Resident of mohall - Karsilli, P.S. -  
Vishnupad, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      21-06-2023                      Heard the parties.

The petitioner is in custody since 12.2.2023 in connection with Mahila P.S. Case No. 53 of 2022 for the offence punishable under Sections 376, 493, 366, 354(D) and 313/34 of I.P.C. lodged on 1.7.2022 by the informant Sakshi Kumari.

As per the prosecution story, the allegation is that the petitioner's son Monu Kumar took the girl to Patna on the pretext of marrying her and made physical relationship with her and subsequently, when she became pregnant, with the help of his mother (the petitioner herein) got the same aborted.

Further allegation is that she was forced to sign some documents and was left at Gaya from where she reached her parents.

Later, they also demanded Rs. 5 lakh. Left with no



remedy, the present FIR.

It has been contended by the learned counsel for the petitioner that the main allegation is against her son Monu Kumar and she has already suffered.

Learned APP opposes the prayer stating that the allegation against her is that with the help of Monu Kumar, she got the lady aborted.

Taking into account the aforesaid facts that the petitioner is a lady, she do not have criminal antecedent and is in custody since 12.2.2023 (as stated in para-13 of the petition) and ultimately she will have to face the trial, 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) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Gaya, in connection with Mahila P.S. Case No. 53 of 2022 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 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 her 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 her bail bonds.

With the aforesaid observations, the application is allowed.

**(Rajiv Roy, J)**

Ravi/-

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