

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31228 of 2023**

Arising Out of PS. Case No.-24 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

KUNTI DEVI W/O RAM PRAVESH PASWAN R/O Village- Harsher, P.S-
Siwaipatti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Siwaipatti P.S. Case No.24 of 2023 instituted under Sections 363, 365, 366(A)/120(B)/34 of the IPC lodged on 25.01.2023 by the informant Pappu Singh.

As per the prosecution story, two girls 'X' and 'Y' were found missing and the allegation is that the petitioner and other accused persons took them away for the purpose of marriage/sell. Accordingly, the FIR.

The petitioner is the mother of Rohit, one of the accused persons named in the FIR. When the bail petition was filed both 'X' and 'Y' were traceless.



Mr. Alok Kumar Alok, learned counsel for the petitioner submits that the petitioner is a lady, mother of Rohit Kumar, it seems Rohit was in love with 'X' while Pawan Kumar was in love with 'Y'.

Subsequently, Rohit Kumar along with 'X' who were residing in Nepal returned, caught at border produced before the police and it is his categorical statement that the victim girl 'X' has recorded her statement under Section 164 of the Cr.P.C. in which she has stated she was in love with Rohit Kumar and went on her own with him.

It is his further submission that so far as Pawan Kumar is concerned who had taken victim girl 'Y', he is unrelated to the petitioner and as such the lady has no knowledge further.

Learned APP submits that while 'X' has returned, there is no information about 'Y'.

Though it is matter of concern that the 'Y' has still not been recovered, though according to learned counsel for the petitioner Pawan is in custody.

Taking into account the fact that the petitioner is a lady, mother of Rohit Kumar, has already suffered due to the act of her son, is in custody since 27.01.2023, do not have criminal



antecedent, this Court is inclined to extend her privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Siwaipatti P.S. Case No.24 of 2023 to the satisfaction of learned S.D.J.M., (East), Muzaffarpur, subject to 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 the bail bonds.

The Senior Superintendent of Police, Muzaffarpur is directed to get the matter supervised through Dy.S.P., so that the



second victim girl ‘Y’ is also recovered at an earliest.

Let a copy be sent to the concerned office of the
Senior Superintendent of Police, Muzaffarpur.

(Rajiv Roy, J)

Prakash Narayan

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