

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36712 of 2023

Arising Out of PS. Case No.-76 Year-2022 Thana- BALUA BAZAR District- Supaul

Panchi Devi @ Pachani Devi W/O Bhokay Sada @ Dhokay Sada R/O
Village- Bishanpur Gulami, Ward No. 9, P.S- Balua Bazar, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 09.12.2022 in connection with S.T. No.154 of 2023, arising out of Balua Bazar P.S. Case No. 76 of 2022, F.I.R. dated 17.10.2022 for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code.

3. According to prosecution case, on 06.10.2022 at about 11:00 P.M., informant's 16 years old minor daughter had been kidnapped by all F.I.R. named accused persons including Pachani Devi (petitioner) and carried her away to some unknown place. In panchayat meeting, on 08.10.2022, the accused persons have assured that victim shall be returned but they did not return the victim and the victim is still trace-less.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the ground that petitioner is mother of co-accused Rupesh Kumar @ Rupesh Sada. He further submits that son of the petitioner has performed the marriage with the informant's daughter and the allegation against the petitioner is false and fabricated and there is no role of the petitioner in the present occurrence. He further submits that the statement of the victim girl was recorded under Section 164 of Cr.P.C. in which she has categorically stated that she was in love with the son of the petitioner and she was pregnant on the date of the statement which was recorded under Section 164 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 09.12.2022.

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

6. 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 District



and Sessions Judge, Supaul in connection with S.T. No.154 of 2023, arising out of Balua Bazar P.S. Case No. 76 of 2022, 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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