

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41898 of 2023

Arising Out of PS. Case No.-484 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Urmila Devi Wife Of Nagendra Sharma Resident Of Village Senvariya, P.S. -
Turkauliya, District - East Champaran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and the State.

2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 366A/376/34 and other allied sections of the Indian Penal Code and sections 4/8/17 of the POCSO Act.

3. As per the prosecution case, all the FIR named accused persons including this petitioner kidnapped daughter of the informant.

4. Petitioner is aunt of the victim girl and she used to call her 'badki mai'. Instant case is counter blast of Turkauliya Police Station Case No. 364 of 2021 lodged by the petitioner against the informant and his family. There is delay of 5 days in lodging of the FIR and there is no explanation of delay which itself creates doubt over the veracity of the prosecution case.



Police after investigation submitted final form against the petitioner but the Court below differing with the same took cognizance of the offence. Petitioner claims clean antecedent.

5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI cum Special Judge, POCSO Act Motihari, East Champaran in Turkaulliya Police Station Case No. 484 of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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