

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39874 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- PAKRIDAYAL District- East Champaran

1. UMA DEVI WIFE OF LATE BANU SAHANI R/O VILLAGE- MAJHAR GUDRA, P.S.- PAKRIDAYAL, DISTRICT- EAST CHAMPARAN, MOTIHARI
2. KUMANTI KUMARI @ KUMANTI DEVI WIFE OF BACHHA LAL SAHANI @ BACHACHLAL KUMAR R/O VILLAGE- MAJHAR GUDRA, P.S.- PAKRIDAYAL, DISTRICT- EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra
For the Opposite Party/s	:	Mr.Ram Sumiran Rai
For the Informant/s	:	Mr. Vijay Shankar Shrivastava

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 02-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The learned counsel for the petitioners has informed this Court that the petitioner No. 1 has already been arrested during the pendency of this application. Accordingly, the present application filed on behalf of petitioner No. 1 stands dismissed as infructuous.



The Petitioner No. 2 is apprehending her arrest in a case registered for the offences punishable u/s 363, 365, 361 and 366A read with 34 of the Indian Penal Code and Section 8 of the POSCO Act.

As per the prosecution case, the petitioner and co-accused person are alleged to have kidnapped the minor daughter of the informant who is aged about 15 years while she went to attend the call of nature.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner No. 2 has no criminal antecedent as stated at para 3 of the bail petition. Learned counsel has further submitted that the victim in her statement recorded under Section 164 of the Cr.P.C has not stated the name of the petitioner No. 2 in the crime alleged. On the basis of radiological report, the age of the victim is in between 17^{1/2} to 18^{1/2} years.

Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

Considering the aforesaid facts and circumstances, let the above named petitioner No. 2, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees



twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, East Champaran, Motihari in connection with Pakaridayal P.S. Case No. 88 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application for petitioner No. 2 stands allowed.

(Chandra Prakash Singh, J)

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