

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44585 of 2023

Arising Out of PS. Case No.-837 Year-2022 Thana- SARAIYA District- Muzaffarpur

1. USHA DEVI Wife of Ram Kishore Sahni Resident of vill. and Post - Amaitha, Thana - Saraiya O.P. Jaitpur, District - Muzaffarpur.
2. Ram Kishore Sahni @ Ramkishore Son of Basudev Sahni Resident of vill. and Post - Amaitha, Thana - Saraiya O.P. Jaitpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-08-2023 Heard the parties.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.2.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn.

5. However, if petitioner no.2 surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

6. Now this application survives for petitioner no.1 only.

7. The petitioner apprehends her arrest in a case registered



for the offences punishable under Sections 363, 366(A), 34 of the Indian Penal Code.

8. The prosecution story, in brief, is that on 06.11.2022, co-accused Abhishek Kumar and Raushan Kumar came on motorcycle and kidnapped the informant's daughter aged about 15 years in front of the informant. The informant narrated the incident to her mother. Both the informant and her mother ran behind the motorcycle and saw that all the accused persons including the petitioner were sitting in a white bolero after abducting her daughter. They fled away with her daughter in the alleged Bolero. It is further alleged that the informant could not see the registration number of the alleged vehicle due to darkness.

9. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. She has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The real fact is that the informant's daughter had love affair with one Rupesh Kumar @ Chhotu son of Harendra Sahni and in order to divert the attention from that affair, she has falsely implicated all the



accused persons including the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

10. Learned APP for the State opposed the prayer for bail and submitted that the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has stated that she was kidnapped by Abhishek and Raushan. It is further stated that all the accused persons including this petitioner were sitting in the Bolero in which she was kidnapped.

11. Having regard to the facts and circumstances of the case, as petitioner is a lady, let the above named petitioner no.1, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Saraiya P.S. Case No. 837 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

12. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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