

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49387 of 2023

Arising Out of PS. Case No.-326 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Rita Devi Wife Of Sanjay Mahto @SANJAY Kumar Mahto Resident Of
Village- Sihma, Police Station -KHODAWANPUR (CHHAURAH) Op),
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Khodawandpur P.S. Case No.326 of 2022 registered for the
offence under Sections 363 and 365 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 27.04.2023.

4. The allegation against the petitioner is to kidnap
her own husband after 18 years of marriage, who is still
traceless, where informant of this case is father-in-law of
petitioner.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner has been falsely implicated



after 18 years of her marriage out of property disputes, Ld. Counsel, during the course of argument pointed out para no.11 of the case diary, where daughter of victim and this petitioner stated that on the alleged date of occurrence at about 1 P.M. his father went for ironing clothes but failed to return, while her mother/petitioner remained available at home. It is also submitted that petitioner is mother of three children, where during the course of investigation except suspicion as raised by this informant nothing surfaced against this petitioner. It is further submitted that petitioner also lodged a complaint case registered as 173 of 2022, which is a reason for present false implication. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as petitioner is a lady of clean antecedent, where witness during course of investigation stated that son of informant went outside house on his own, coupled with the fact



that charge-sheet has already submitted, where petitioner is in custody since 27.04.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Khodawandpur P.S. Case No.326 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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