

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56671 of 2023

Arising Out of PS. Case No.-223 Year-2023 Thana- WAJIRGANJ District- Gaya

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KHUSMUDA PRAVEEN W/o Javid Hussain Resident of Village-Etwa, P.S.-
Wazirganj, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Wazirganj P.S. Case No. 223 of 2023 for the offence punishable under Sections 363, 365 of the Indian Penal Code lodged on 22.4.2023 by the informant, Dindayal Yadav.

As per the prosecution story, the allegation is that this petitioner took the minor son of the informant and as he could not be found, subsequently, got information that this petitioner has taken him to Mumbai. The informant has alleged that the son is minor and the lady is 26 years old. Accordingly, the FIR.

It is the case of the petitioner that admittedly the boy went missing on 20.4.2023 whereas the FIR was lodged on 22.4.2022. Further submission is that FIR has been seen by



learned ACJM-1st, Gaya five days later on 27.4.2023 which clearly comes under the category of inordinate delay. The further submission is that she is lady blessed with two children, is in custody since 17.6.2023 (para-8 of the petition) and her absence is affecting them.

Learned APP on the other hand has taken this Court to the observation of learned Sessions Judge to show that the minor boy subsequently supported the prosecution story and has stated that the lady took him to Mumbai and subsequently sexually assaulted him.

Though, there is delay in lodging of the FIR, the fact remains that the minor boy has supported the prosecution theory. However, in view of the fact that she is lady, blessed with two minor children, is in custody since 17.6.2023, as stated above, do not have criminal antecedent, will be diligently cooperating in the investigation/appearing in the trial, this Court is inclined to extend her the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-1st, Gaya, in connection with Wazirganj P.S. Case No. 223 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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