

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61351 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- BAJPATI District- Sitamarhi

Sheela Devi Wife of Upendra Sah Resident of Village- Gaurichatti, P.S.-
Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 366(A)/34 of the Indian
Penal Code .

The prosecution case, in short, is that the accused
persons including the petitioner are alleged to have kidnapped
the wife of the informant and his son.

Learned counsel for the petitioner submits that the
petitioner is innocent and she has been falsely implicated in the
present case. He further submits that in fact the petitioner is
maternal aunt of the victim and it appears from the F.I.R. that
the petitioner has been falsely implicated in the present case.
He further submits that the alleged date of occurrence is



14.03.2022 but the present F.I.R. was instituted on 04.05.2022 after delay of about 50 days without giving explanation of delay. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.06.2022.

Learned APP for the State, on the other hand, on the basis of the material available on record as well as in the case diary fairly submits that the victim girl was recovered and her statement under Section 164 of the Cr. P.C. was recorded in which she has categorically stated that she was fed up with the husband and his family members and she had gone to Delhi on her own will and no one had abducted her.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bajpatti P.S. Case No. 118 of 2022, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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