

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68270 of 2022

Arising Out of PS. Case No.-367 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

=====

Kalpana Kumari, Wife of Abhijeet Darshan D/o Sudhir Kumar Roy @ Sudhir Kr. Ray Resident of village - Narayanpur, P.S.- Sakatpur, District - Darbhanga. At present D/o Sudhir Kumar Roy @ Sudir Kumar Ray, Resident of village - Chapahi, P.S.- Raj Nagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Jha, Advocate
For the informant	:	Ms. Smiti Bharti, Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-01-2023 Heard Mr. Sanjeev Kumar Jha, learned counsel for the petitioner and Ms. Smiti Bharti, learned counsel for the informant as also the learned APP for the State.

The petitioner apprehends her arrest in connection with Darbhanga Sadar P.S. case No.367 of 2018 instituted under Sections 365, 366A/34 of the IPC.

As per the prosecution story, the informant who is own father-in-law of the present petitioner alleged that his



daughter was staying with his son and daughter-in-law for attending the coaching institute. The further allegation is that during this period the petitioner facilitated her conversation with one Roushan Kumar who ultimately eloped with her. Accordingly, the FIR was lodged.

In this case, a coordinate bench on 12.12.2022 had directed the Superintendent of Police, Darbhanga to file counter affidavit which has accordingly been filed.

Learned APP for the State has provided the narration of the victim girl under Section 164 of the Cr.P.C. according to which she named three persons namely, Sudhir Rai, Pankaj Kumar and Aashu Kumar who took her away. She further stated that later she became unconscious and upon regaining consciousness she was allowed to go to her home. She has specifically stated that nothing wrong was done with her.

Learned counsel for the informant, Ms. Smiti Bharti vehemently opposes the prayer for anticipatory bail stating that it was the present petitioner who was the creator of the entire episode and as a result even their own marriage suffered inasmuch as ex-parte divorce order has been passed against the petitioner.

Taking into account the rival submissions, the



petitioner is a lady, do not have criminal antecedent, the victim girl upon return has not made any allegation against her, she will be cooperating in the police investigation and ultimately has to face the trial, this Court is inclined to extend the privilege of anticipatory bail to her.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Darbhanga Sadar P.S. case No.367 of 2018 to the satisfaction of learned Special Judge (POCSO Act), Darbhanga, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Nothing recorded in the present order will be taken up during the course of trial as the same has been observed only for the purpose of granting anticipatory bail.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

