

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65783 of 2023

Arising Out of PS. Case No.-411 Year-2013 Thana- BIHAR District- Nalanda

Kiran Devi @ Kiran Kumari Wife of Pawan Kumar Resident of Village-Tora,
P.S.-Sarmera, District-Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Bihar P.S. Case No. 411 of 2013 registered for the offences punishable under Sections 363, 420, 120B of the Indian Penal Code. She has got no criminal antecedent.

3. As per the prosecution story, the informant alleged that on 19.10.2013 at about 03:30 P.M. an unknown woman replaced new born male child of her daughter-in-law with a female child. It is further alleged that the said occurrence took place with the help of Nurse and Doctor of the hospital.

4. Learned counsel for the petitioner submits that during investigation of the case, the petitioner was given benefit of Section 41-A Cr.P.C. and she has fully cooperated with the



investigation. It is further submitted that the male child was handed over to his mother and after investigation, police submitted a chargesheet only under Section 379 IPC, however, learned Magistrate differed with the police report and took cognizance of the offences under Section 363, 361 and 369 IPC.

5. Learned counsel submits that at this stage a bailable warrant of arrest has been issued against the petitioner.

6. Learned APP for the State has opposed the application for pre-arrest bail of the petitioner, however, considering the facts and circumstances of the case wherein it is specifically submitted that the male child has already been handed over to his biological parents and after investigation, police submitted a chargesheet only under Section 379 IPC, further that the petitioner has cooperated in course of investigation and she got the benefit of Section 41-A Cr.P.C., this Court directs that in case of her arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Bihar P.S. Case No. 411 of 2013 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Biharshariff (Nalanda), subject to the conditions as laid down



under Section 438(2) of the Cr.P.C.

7. 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 antecedent, 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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