

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69702 of 2023

Arising Out of PS. Case No.-260 Year-2022 Thana- GARKHA District- Saran

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Madhuri Devi Wife Of Triloki Rai Resident Of Village - Bangra Bargi Tola,
P.S. - Garkha, District – Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Harsh Anuj
For the Opposite Party/s : Ms. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Mr. Harsh Anuj, learned counsel appearing

on behalf of the petitioner and learned Additional Public

Prosecutor for the State.

2. The petitioner is a lady, apprehending her arrest in
connection with Garkha P.S. Case No. 260 of 2022, registered
for the offences punishable under Sections 363, 366(A), 34 of
the Indian Penal Code.

3. The prosecution case is based on a written report of
the informant alleging therein that co-accused Niraj Rai, Manoj
Rai and Tarun Singh had enticed away the minor daughter of the
informant, who is aged about 14 and ½ years and subsequently
they by persuading her daughter got her statement recorded in
their favour. Further allegation has been levelled that after some



time, on 03.03.2022 when the victim daughter of the informant went to attend call of nature, the accused persons with the help of the petitioner and her husband took away the victim daughter.

4. It is submitted on behalf of the petitioner that from the narrations made in the FIR it is evident that the alleged occurrence took place on 03.03.2022, however, the present FIR was instituted on 02.05.2022, after a delay of about two months and no explanation for such delay has been given. He further drew the attention of this Court to the statement of the victim recorded under Section 164 of the Cr.P.C. whereas she has categorically stated that she had never been kidnapped, rather she went to the house of her aunt because the informant was pressurizing to solemnize her marriage with a drunkard person. He next submits that the petitioner is non-else but mother of co-accused Niraj Rai and save and except this, there is nothing against the petitioner, much less during the course of investigation, no material has come showing her complicity. He next submits that prior to filing of the present case, the petitioner had filed a complaint on 29.01.2022 against the informant and her family members which was subsequently registered as Garkha P.S. Case No. 375 of 2023 and the present case is nothing but a counter blast.



5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the statement of victim recorded under Section 164 of the Cr.P.C. and the fact that the petitioner is a lady, let the petitioner abovenamed be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Saran at Chapra in connection with Garkha P.S. Case No. 260 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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