

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73266 of 2023

Arising Out of PS. Case No.-850 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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RADHIKA KUMARI @ RADHIKA DEVI D/O LATE BALLI SAHANI
Resident of Village - Mathiya Madhubanighat, P.S.- Motihari Muffasil, Distt.-
E.Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Muffasil P.S. Case No. 850 of 2022 for the offence punishable under Sections 363, 366(A), 34 of the Indian Penal Code and 8 of the POCSO Act lodged on 5.12.2022 by the informant, Kailashi Devi.

3. As per the prosecution story, the informant's daughter was having relationship with one Bhulan Kumar who is the petitioner's cousin. As they disappeared, the entire family members have been made accused in the case.

4. Learned counsel for the petitioner submits that the occurrence is of 29.11.2022 whereas the FIR was lodged a week later on 5.12.2022. The petitioner do not have criminal



antecedent and has already suffered by being in custody since 24.7.2023 (para-4 of the petition). The last submission is that Bhulan Kumar has since been granted bail as stated in para-16 in Cr. Misc. No. 18214 of 2023 (Annexure-2 to the petition).

5. Learned APP opposes the prayer stating that the allegation is of kidnapping a minor girl.

6. Considering the submission put forward by the parties as also the materials on record and the fact that Bhulan Kumar who was having relationship with the girl has since been released on bail, this petitioner has no criminal antecedent and voluntarily surrendered on 24.7.2023, is a lady, this Court is inclined to extend her the privilege of bail with conditions.

7. 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 6th Additional Sessions Judge cum Special Judge, POCSO Act, East Champaran at Motihari, in connection with Muffasil P.S. Case No. 850 of 2022 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 his 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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