

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72747 of 2022

Arising Out of PS. Case No.-467 Year-2021 Thana- HILSA District- Nalanda

Khudi Devi @ Rekha Devi W/o Kapil Gop @ Kapple Gop R/o Village- Tin
Bihata Panchayat Alipur (Bihata), P.S.- Salimpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Adv.

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2023 Heard Mr. Raj Kishore Prasad, learned counsel for the
petitioner and Md. Iftekhar Mahmood, learned APP for the
State.

The petitioner is a hapless lady, who apprehends her
arrest in connection with Hilsa P.S. Case No. 467 of 2021
registered for the offences punishable under Sections 363 and
366A/34 of the Indian Penal Code.

The prosecution case is based on the written report of
the informant alleging therein that his grand daughter “X” aged
about 14 years went to attend the call of nature but she did not
return. Thereafter, he came to know that all the accused persons
including the petitioner kidnapped her grand-daughter for the
purposes of marriage.

Learned counsel for the petitioner submitted that the



petitioner is a lady aged about sixty years and, only on suspicion, her name has been implicated in this case. However, the victim was recovered by the police and her statement was recorded under Section 164 Cr.PC. The certified copy of which has been produced before the Court, wherein she has categorically stated that she voluntarily left her house due to some quarrel with her mother and she did not even whisper about the name of the petitioner. He next submitted that for the same offence, one another FIR has been instituted by the father of the victim bearing Hilsa P.S. Case No. 277 of 2021 against the petitioner and others. In connection with the aforementioned Hilsa P.S. Case No. 277 of 2021, parents of the victim has filed Cr. Revision No. 23 of 2022 for release of the victim, wherein her age has been assessed by the Medical Board in between 17-18 years. Thus, the victim is a major. While concluding the submission, he lastly submitted that the husband of the petitioner has already been allowed regular bail by the court below itself.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that *prima facie*, it is evident that the victim is a minor and for proper appreciation, case diary would be required.



Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 Cr.PC. as well as the fact that the Medical Board has assessed the age of the victim in between 17-18 years, coupled with the fact that the victim has not made any allegation against the petitioner, who is a lady, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Hilsa (Nalanda) in connection with Hilsa P.S. Case No. 467 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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