

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75229 of 2022

Arising Out of PS. Case No.-60 Year-2020 Thana- NAUTAN District- West Champaran

Umrawati Devi, wife of Late Om Prakash Yadav, R/O Village- Mangalpur
Kotrahan, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-03-2023 Heard Mr. Sanjeev Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Bharat Lal, learned

A.P.P. for the State, in virtual mode.

2. The petitioner who is in custody since 05.11.2022 seeks regular bail in connection with Nautan P.S. Case No. 60 of 2020 for the offence punishable under Sections 366A/34 of the Indian Penal Code. However after submission of charge sheet, cognizance under Sections 366A/342/376/34 of the Indian Penal Code and Sections 4, 6 and 17 of the POCSO Act has been taken against the petitioner.

3. The prosecution story, in brief, is that the petitioner is the mother of the accused, she is a female and the allegation made in the F.I.R is that the minor sister of the informant was kidnapped by the petitioner and other co-accused with an intention to forcibly marry with the son of the petitioner namely Pawan Kumar.



4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is nowhere involved in the alleged kidnapping of the sister of the informant who had allegedly eloped with co-accused Pawan Kumar who is the son of the petitioner. Learned counsel specifically submitted that because the present petitioner is the mother of the co-accused Pawan Kumar, she has been made accused in the present case. He further submitted that the victim in her statement recorded under Section 164 Cr.P.C. has not made any allegation of sexual assault against the petitioner nor against other accused. He further submitted that petitioner is in custody since 05.11.2022 having no criminal antecedent. Charge sheet has already been submitted.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having considered the facts and circumstances of the case and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner who is the mother of the co-accused to have been involved in kidnapping in any manner, the statement of the victim as dealt in the impugned order, the victim has not made any allegation of sexual assault to have been committed on her



by any of the accused, petitioner has clean antecedent and the trial is not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Nautan P.S. Case No. 60 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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