

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1263 of 2023

Arising Out of PS. Case No.-194 Year-2018 Thana- HISUWA District- Nawada

Kanti Devi @ Champa Devi Wife Of Chhote Manjhi R/O Village- Kaithir,
P.S.- Hisua, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 08-08-2023 Heard Mr. Sanjay Kumar, learned counsel for the
petitioner and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 29.06.2022, in connection with Hisua P.S. Case No. 194 of 2018, F.I.R. dated 10.07.2018 registered for the offences punishable under Section 363 of the Indian Penal Code.

3. The prosecution case, in brief, is hat on 30.06.2018 at about 04:00 P.M. the informant's younger sister aged about 18 years went away from her house and when till night she did not return then he searched for her whereabouts he could not find her trace.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has been falsely implicated in the present case. He further submits that the



petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the 164 statement of the victim. He further submits that the allegation as alleged in the 164 statement is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and except the statement of the victim, no other material has come against the petitioner to connect the petitioner in the present occurrence. He further submits that from a bare perusal of the statements of the victim recorded under Section 161 and 164 of the Cr. P.C. it appears that both are contradictory with each other and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.06.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the victim has supported the case of the prosecution in her 164 statement.

6. Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Nawada in



connection with Hisua P.S. Case No. 194 of 2018, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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