

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9958 of 2024

Arising Out of PS. Case No.-514 Year-2023 Thana- BYPASS District- Patna

BABY DEVI Wife of Binod Kumar Resident of Mohalla-Didarganj, Police Station-Didarganj, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Bypass P.S. Case No. 514 of 2023 for the offence under Section 363 of the I.P.C. lodged on 19.11.2023, by the informant, Pinki Devi.

3. As per the prosecution story, the complainant who had made allegation against the petitioner are sisters-in-law (*Nand/Bhabhi*). The allegation is that the petitioner took away five years old daughter without informing her family members. Accordingly, the FIR. Subsequently the victim girl made her statement under Section 164 of the Cr.P.C., alleging that her aunt (*Bua*) took her away in a train.

4. Learned counsel for the petitioner submits that she being relative had taken the girl for a round and due to some



confusion the complainant filed the present case. Subsequently, both of them have realized their mistakes and are living happily together. The last submission is that she is ready to cooperate in the trial.

5. Learned APP opposes the prayer stating that the victim girl has made allegation against this petitioner.

6. Taking into account the submission put forward by the parties and the fact that the petitioner is a lady, do not have any criminal antecedent, FIR lodged, will be diligently appear in trial, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M-IV, Patna City in connection with Bypass P.S. Case No. 514 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. 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/her 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 anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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