

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20897 of 2024

Arising Out of PS. Case No.-46 Year-2011 Thana- MOTIPUR District- Muzaffarpur

1. Kailashiya Devi, Wife Of Late Punam Paswan Resident Of Village - Narayanpur Kushahi, Mohammadpur Balmi, P.S. - Motipur, District - Muzaffarpur, Bihar
2. Sarita Devi, Wife Of Manoj Kumar Resident Of Village - Narayanpur Kushahi, Mohammadpur Balmi, P.S. - Motipur, District - Muzaffarpur, Bihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh
For the State	:	Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 08-07-2024 1. Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners seek bail in anticipation of their

arrest in a case registered for the offences punishable under

Section 366(A) of the Indian Penal Code.

3. The learned counsel for the petitioners submits

that the petitioners are persons with clean antecedent and

are women and have been falsely implicated in the instant

case. It is next submitted that from perusal of the allegation

as alleged in the F.I.R., it would manifest that the informant

alleges that on 26.03.2011, her minor daughter aged about



14 years was kidnapped by Shankar Kumar Paswan for the purposes of marriage. It is submitted that petitioners are mother and married sister of Shankar Kumar Paswan. It is also submitted that petitioner no.2 is a differently able and suffers from disability of 50% as would manifest from Annexure-3 to the anticipatory bail application. It is also submitted that her growth is also stunted. It is further submitted that even the F.I.R. came to be instituted after a delay of eight days i.e. the date of occurrence 26.03.2011 and the F.I.R. came to be instituted on 03.04.2011.

4. It is next submitted that this amply demonstrates that the informant was aware of the relationship of her daughter with Shankar Kumar Paswan. It is next submitted that though in the F.I.R., it is alleged that the daughter of the informant was a minor, but then, she was 20 years of age at the time of occurrence and she, on her own volition, had left with Shankar Kumar Paswan, but after she came back, under parental pressure, she gave her statement under Section 164 of the Cr.P.C. wherein she stated that the petitioners along with Shankar Kumar



Paswan were also present in the car when Shankar forcibly took took her. It is next submitted that it does not appear probable that the mother and the sister of Shankar would have helped him in kidnapping the victim. It is also submitted that no doubt, petitioners have moved this Court seeking anticipatory bail after a delay of 13 days, but then, they were not aware of their implication in the instant case as it has been specifically pleaded at Para-18 of the anticipatory bail application that several Investigating Officers changed during the course of investigation and one Rajesh Pandit, the latest Investigating Officer on 06.01.2024 knocked the doors of the petitioners asking them to surrender. It is further submitted that Shankar Paswan is already in judicial custody. It appears that had the petitioners been involved in the occurrence, then definitely the police would have arrested them earlier.

5. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-



named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, (West) Muzaffarpur in connection with Motipur P. S. Case No.46 of 2011, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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