

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18802 of 2024

Arising Out of PS. Case No.-3 Year-2020 Thana- AKBARNAGAR District- Bhagalpur

SUDHA DEVI W/o Kamdev Rajak Resident of Village-Damodarpur, P.S.-
Akbaragar, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-07-2024 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The present petition is by way of second attempt at the behest of the petitioner for grant of anticipatory bail in connection with Akbaragar P.S. Case No. 3/2020 (G.R. No. 37/2020), registered for the offences punishable under Sections 363, 366/34 of the Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of anticipatory bail has stood rejected by this Court by an order dated 27.01.2021 passed in Criminal Misc. No. 28827 of 2020.

3. The case of the prosecution, in brief, is



that the minor daughter of the informant had gone to College on 25.12.2019 but when she did not return till night, search was made and it was found that one co-villager, namely, Putul Rajak along with the friend of the victim girl, namely, Rimjhim Kumari had kidnapped the daughter of the informant for the purposes of marrying her with Putul Rajak.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case and she is having a clean antecedent. The learned counsel for the petitioner has further submitted that the victim girl has been recovered, whereafter her statement has also been recorded under Section 164 Cr.P.C., by the learned Magistrate, wherein she has stated that nobody had kidnapped her rather she had gone with the son of the petitioner, namely, Putul Rajak on her own sweet will and solemnized marriage, whereafter both of them are living as husband and wife. It is also submitted that the son of the petitioner, namely,



Putul Rajak has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 16.10.2023 passed in Criminal Misc. No. 61502 of 2023, hence there is no impediment in grant of bail to the petitioner.

5. *Per contra*, the learned A.P.P. for the State has submitted that since the son of the petitioner, who is the main accused in the present case, has already been granted bail by a coordinate Bench of this Court, there is no impediment in grant of bail to the petitioner, who happens to be merely the mother of the said Putul Rajak.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the son of the petitioner has already been granted bail by a coordinate Bench of this Court vide order dated 16.10.2023, passed in Criminal Misc. No. 61502 of 2023 apart from the fact that the victim girl, in her statement made under Section 164



Cr.P.C., before the Ld. Magistrate, has stated that she was never kidnapped and had in fact eloped with the son of the petitioner voluntarily, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of her arrest/surrender before the court below within a period of six 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 A.C.J.M.-1st, Bhagalpur in connection with Akbarnagar P.S. Case No. 3/2020, G.R. No. 37/2020, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

