

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29345 of 2024

Arising Out of PS. Case No.-88 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Ramesh Kumar Sah S/o Ram Chandra Sah Resident of Village- Pakariya Ward No 10 P.S. Phulkparas, District Madhubani
 2. Sheela Devi W/o Ramesh Kumar Sah Resident of Village- Pakariya Ward No 10 P.S. Phulkparas, District Madhubani
 3. Suresh Kumar Sah @ Suresh Kumar Suman S/o Ram Chandra Sah Resident of Village- Pakariya Ward No 10 P.S. Phulkparas, District Madhubani
 4. Punam Devi W/o Suresh Kumar Sah @ Suresh Kumar Suman Resident of Village- Pakariya Ward No 10 P.S. Phulkparas, District Madhubani
 5. Ram Chandra Sah S/o Pritam Sah Resident of Village- Pakariya Ward No 10 P.S. Phulkparas, District Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shambhu Sah S/o Bhola Sah R/o vill - Pakariya, ward no. 18, P.S. - Phulparas, Distt. - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Jha, Advocate
For the State	:	Mr. Uday Chand Prasad, APP
For the Complainant	:	Mr. Lakshmindra Kumar Yadav, Advocate Mr. Prabhu Narayan Prabhakar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-05-2024 At the outset the Ld. Counsel for the Petitioner is seeking permission to withdraw the petition on behalf of the Petitioner Nos. 1, 2, 3 and 5.

2. Permission is accorded.

3. Accordingly, the prayer of the above named Petitioners No. 1, 2, 3 & 5 is dismissed as withdrawn.

4. Heard Ld. counsel for the petitioner No.4, Punam Devi and Ld. APP for the State.

5. The petitioner seeks bail, apprehending her arrest,



in connection with C.R. No. -88 Year-2021, registered for the offences punishable under Sections 323, 366(A), 120(B), 467, 468, 471, 386 of the Indian Penal Code and 13/14 of the Child Marriage Prohibition Act.

6. The prosecution case as emerges from the FIR is that there is an allegation of kidnapping of minor child of the complainant against the Petitioners. When the Complainant came to know about the same, they went to the Petitioner's house and protested. Subsequently, Petitioners along with other accused persons started abusing and assaulting the complainant and his son.

7. Ld. counsel for the petitioner submits that the Petitioner is a lady. Seeing our social milieu, there is no question of playing any role by the lady Petitioner in the alleged offence.

8. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

9. It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedents.

10. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.



11. Considering the aforesaid facts and circumstances, particularly the fact that the Petitioner is a lady, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of her arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-II, Civil Court Jhanjharpur, District-Madhubani, in connection with C.R. No. -88 Year-2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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shailendra-

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