

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40103 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- SONEPUR District- Saran

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Anita Devi Wife of Shyam Babu Ray, R/O Village- Fatepur Chain, P.S.-
Awtarnagar, Dist.- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Hemant Kumar, Advocate
For the Opposite Party : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 10-07-2024 Heard Mr. Hemant Kumar, the learned counsel for

the petitioner and Mr. Uma Shankar Prasad Singh, the learned

Additional Public Prosecutor for the State.
2. The petitioner is apprehending her arrest in

connection with Sonpur PS Case No. 09 of 2024, FIR dated

03.01.2024, registered for the offences punishable under Section

366(A) read with Section 34 of the Indian Penal Code.
3. According to the prosecution case, the daughter of

informant did not return till late night and during the course of

search he came to know that she has been kidnapped by one

Raja Kumar and his associates. It further alleged that when the

informant contacted them, they became adamant and assaulted

him.
4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that petitioner has no role at all in the present occurrence and she has been made accused in the present case merely on the ground that petitioner is mother of co-accused person namely, Raja Kumar, who has kidnapped the daughter of the informant.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and she has been made accused in the present case because she is the mother of the co-accused person namely, Raja Kumar, let the petitioner, above-named, in the event of her arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-VII, Saran at Chapra, where the case is pending in connection with **Sonpur PS Case No. 09 of 2024**, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C. and also the following conditions:

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

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

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed her criminal antecedent, the learned trial Court 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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