

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67492 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- KUDHNI District- Muzaffarpur

Vimala Devi W/o Manjeet Sahani R/o Vill - Bochhuman Kudhani, P.S. -
Kudhani, Distt. - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vibhuti Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Kudhani P.S. Case No. 145 of 2024, registered on 24.06.2024, for the alleged offences under Sections 363, 366A/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner and other co-accused persons kidnapped the minor daughter of the informant. The informant showed her apprehension that her daughter would be sold or killed.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is the own aunt of the victim and due to family dispute, she has been made accused in this case. There is land dispute between the parties and the informant sold the



share of the petitioner, which was objected by the petitioner and for this reason she has been falsely implicated in this case. The petitioner's husband works outside the State and the petitioner is the only person who could take care of their three years old son. Learned counsel further submits that the victim has been recovered and her statements under Sections 161 and 164 have been recorded. The statement recorded under Sections 161 and 164 does not appear to be believable. No motive or intention has been given in the statement and it was the petitioner who brought the victim to the police. It appears the victim left her house on her own and went with her aunt to the house of her uncle and returned thereafter. Learned counsel further submits that merely on suspicion and on the basis of an improbable story, the petitioner has been made accused and she is in custody since 27.06.2024 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that there is specific allegation against the petitioner that she with the help of other co-accused persons kidnapped the minor daughter of the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that the petitioner is lady and the doubtful nature of allegation against her and further considering the period of custody of the petitioner along with submission of charge-sheet and her clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Muzaffapur (West)/court concerned in connection with Kudhani P.S. Case No. 145 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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