

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85767 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- DARBHANGA RAIL P.S. District-
Samastipur

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Amina Khatoon W/O Md. Sayrul Haque R/O Village- Mirchaiya, Ward No.6,
P.S. And P.O.-Mirchaiya, Distt.- Sirha, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhigyan Kumar, Adv.

For the Opposite Party/s : Ms.Suman Kumari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Rail
Darbhanga (Jaynagar) P.S. Case No. 114 of 2023 (G.R. No. 98
of 2023) instituted for the offences under Sections 363, 365 &
370 of the Indian Penal Code.

3. As per prosecution case, the allegation against the
petitioner is that while the Informant was sleeping on platform
No.1 at Muadhubani Railway Station in the night, the petitioner
along with another accused person took her three month child.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that the compromise has been taken place between the parties and the compromise petition has also been filed by the Informant. The F.I.R. has been registered against unknown persons after delay of two days of the occurrence without valid rhyme or reason. He further submits that the Informant got her son from an open place on Kamlapul in the district Madhubani. There is also no witness or document substantiating or corroborating the allegation that the petitioner has kidnapped the child. No Test Identification Parade of the accused persons have been carried out. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 27.08.2023. Charge has already been framed in this case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner has been identified by C.C.T.V. footage and thus, she does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent coupled with



the fact that the petitioner is a lady and the charge has also been framed, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rail Darbhanga (Jaynagar) P.S. Case No. 114 of 2023 (G.R. No. 98 of 2023) ,
subject to the following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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