

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86180 of 2024

Arising Out of PS. Case No.-70 Year-2023 Thana- GAUTAMBUDHNAGAR District- Siwan

Suman Devi Wife of Harindra Mahto @ Sugrim Mahto Resident Of Village
-Kanhra, Po- Babhanbara, Ps -G B Nagar, Tarwara, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan

For the Opposite Party/s : Mr.Prem Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

7 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial No. 163 of 2024 arising out of G.B. Nagar P.S. Case No. 70/2023 dated 03.03.2023 registered for the offence punishable u/s 365 of the Indian Penal Code.

3. As per the prosecution case, the informant's son was missing from home and his mobile phone was also switched off.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of



the petitioner has sprung up in the case on mere suspicion. Learned counsel has submitted that as for one occurrence F.I.R., as well as the Complainant case was filed. First of all, the informant lodged an F.I.R. of missing of her son vide G.B. Nagar P.S. Case No. 70/2023 against unknown, then after one month and 22 days, the informant filed a complaint petition before C.J.M., Siwan stating that the petitioner along with other co-accused persons kidnapped her son. Learned counsel has further submitted that there is nothing against the petitioner except the confessional statement of Gopichand Mahto which is hit by Section 25 of the Indian Evidence Act. It is further submitted that in the course of investigation some witnesses have stated that there was love affair between the informant's son and Suman Devi (petitioner). The petitioner is a lady. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 01.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the co-accused Gopichand Mahto in his confessional statement has stated the *modus operandi* as to how the occurrence took place with his associates.

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan, in connection with Trial No. 163 of 2024 arising out of G.B. Nagar P.S. Case No. 70/2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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