

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85195 of 2023

Arising Out of PS. Case No.-281 Year-2023 Thana- KHAGARIA District- Khagaria

Pabo Devi @ Pavo Devi W/o Rambilash Mahto @ Ram Bilash Mahato @
Ram Bilas Mahto R/o village-Chandpur, P.S-Gogri, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-01-2024 Heard Mr. Mrityunjay Kumar, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection
with Khagaria (Chitragupt Nagar) P.S. Case No. 281 of 2023,
registered for the offences punishable under Sections 366(A) of
the Indian Penal Code.

3. It is alleged that the daughter of the informant went
to purchase some household article, however, she did not return.
Later on the informant came to know that one Tinkal Kumar
enticed away his daughter for the purposes of solemnization of
marriage. The petitioner is said to be mother of the Tinkal
Kumar who extended help to her son in abducting the daughter
of the informant.



4. Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that the alleged occurrence took place on 13.03.2023 however, the present F.I.R. has been instituted on 17.03.2023, moreover, the name of the petitioner has been implicated in this case only on account of she being mother of co-accused, Tinkal Kumar, against whom there is allegation that he enticed away the daughter of the informant. Further submission has been made that the husband of the petitioner, namely Ram Bilash Mahto, who was also made accused in this case, has already been allowed the privilege of anticipatory bail by learned Co-ordinate Bench of this Court in Criminal Miscellaneous No. 85590 of 2023. He next submits that the statement of victim has also been recorded under Section 164 Cr.P.C. wherein she has not made any allegation against the petitioner. He lastly submits that the petitioner is a lady having fair antecedent and she undertakes that she would fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the



F.I.R. and the fact that the victim has not made any allegation against the petitioner regarding her complicity in the present crime and the co-accused person having identical allegation has been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Chitragupt Nagar) P.S. Case No. 281 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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