

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86075 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- BIHIA District- Bhojpur

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Priti Kumari, D/O Kashi Nath Dhanuk, R/O Vill - Ghagha, Ps - Bihiyan, Dist
- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending her arrest in connection with Bihiya P.S. Case No. 126 of 2023, registered on 16.05.2023 for the offences under Sections 341, 323, 504, 365 and 120B of the Indian Penal Code.

3. As per prosecution case, petitioner and her co-accused family members, under a conspiracy, kidnapped the minor daughter of the complainant/informant and when the informant inquired from them about whereabouts of her daughter, the informant and her husband were abused and assaulted and were made to put signature on a blank paper.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. Petitioner has not committed any offence. The complaint case was registered after three months of the occurrence and FIR has been registered after more than six months of the occurrence. The story in the complaint case is not believable that the daughter of the informant went to ease herself and did not return in the night, yet the informant and her family members did not take any steps to search their daughter. Learned counsel further submits that the petitioner and the informant are agnates. The victim girl fell in love with co-accused Keshav Dhanuk, who is son of maternal uncle of the petitioner and the daughter of the informant fled away with co-accused and married with him in a temple on 23.11.2022 and she has been living with him. The police recovered the victim girl on 02.06.2023 from the house of co-accused Keshav Dhanuk. However, the statement of the victim girl was recorded under Section 164 Cr.P.C. in which she made allegation about the petitioner being a part of conspiracy in the kidnapping. Co-accused Keshav Dhanuk has been arrested and police submitted charge-sheet against him. Learned counsel further submits that the petitioner is a lady aged about 21 years. There is no material to show the



involvement of the petitioner in the alleged occurrence.

Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to show the complicity of the petitioner in the alleged occurrence and further considering fact that the petitioner is lady coupled with strong possibility of false implication, let the petitioner above named, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Vth, Bhojpur at Ara/court concerned in connection with Bihiya P.S. Case No. 126 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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