

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7336 of 2025

Arising Out of PS. Case No.-33 Year-2023 Thana- SIMRI District- Buxar

Usha Devi W/o Rajendra Yadav, Resident of Village- Bhikshuk Ke Dera, P.S-
Simri, Dist- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gopal Jha, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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

ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Simri P.S. Case No. 33 of 2023, dated 29.01.2023, in a case registered for the offences punishable under Section 363 read with Section 34 of the Indian Penal Code. However, the police found the case true under Sections 363, 328 and 371 read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of the Child Labour Act.

3. As per the prosecution case, the petitioner and the co-accused person are alleged to have kidnapped the minor daughter of the informant on false assurance to take her in a Tilak ceremony.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case due to ulterior motive. The incident took place on 06.12.2022, but the FIR was instituted on 29.01.2023, after a delay of 55 days without providing any explanation for the said delay, afterthought only to harass the petitioner. The petitioner is not named in the FIR and her name transpired during the course of investigation. The victim girl was recovered and in her statement recorded under Section 161 of the Cr.P.C. on 16.04.2024, she did not disclose the name of the petitioner, however, in her statement recorded under Section 164 of the Cr.P.C. on 19.04.2024, she disclosed the name of the petitioner, which contradicts her earlier statement. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of her arrest / surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with **Simri P.S. Case**



No. 33 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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