

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66672 of 2024

Arising Out of PS. Case No.-111 Year-2022 Thana- HARLAKHI District- Madhubani

Pavitari Devi Wife of Jagdish Mukhiay R/o Village- Fulhar, ward no. 5, P.S.-
Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXXX C/O Ramnath Yadav R/o- Phulhar, P.S.- Harlakhi, District-
Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 15-04-2025 Heard learned counsel for the petitioner and the
State.

2. Petitioner apprehends her arrest in connection with
Harlakhi P.S. Case No. 111 of 2022 registered for the offences
punishable under Sections 363, 366A of the Indian Penal Code
and section 8/12 of the POCSO Act and section 30(a) of the
Bihar Prohibition & Excise Act.

3. In view of the fact that the case is one under the
POCSO Act, earlier notices had been issued vide order dated
10.01.2025 thereafter, the same was also validly served.
However, no one appears on behalf of the informant, who
happens to be the mother of the victim girl.



4. The allegation in the FIR is that the informant's minor daughter had gone to attend "Matkor" program of the daughter of one Jeebach Mukhiya and when she did not return, a search was made for her and the villagers informed that co-accused Rahul Kumar and Manish Kumar had taken her on a vehicle with the intention of marriage. It has further been alleged that other co-accused persons including this petitioner have also co-operated in kidnapping her daughter.

5. Learned counsel for the petitioner submits that at the outset, the specific allegation is against co-accused Rahul Kumar and Manish Kumar of having taken away the informant's daughter along with them. It has also been submitted that the FIR has been lodged after delay of about 9 to 10 days of the occurrence. The petitioner is the Bhabhi (sister-in-law) of co-accused Rahul and that is precisely the reason why she has been implicated in the present case. The learned counsel for the petitioner also draws the attention of this Court to Annexure-2 of the application containing the order dated 06.01.2023 passed in Cr. Misc. No.48711 of 2022 whereby two other similarly situated co-accused persons of this case i.e. Upendra Mukhiya and Santosh Mukhiya have already been granted privilege of anticipatory bail.



6. Learned APP for state opposes the bail application.

7. Considering all the above mentioned facts and circumstances and also considering that similarly situated co-accused persons have already been granted privilege of anticipatory bail, I am inclined to grant privilege of anticipatory bail to the petitioner, who has no criminal antecedent. Accordingly, in the event of her arrest/ surrender within a period of four weeks from today the petitioner shall 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 the learned Additional Sessions Judge-VII, Special Judge POCSO, Madhubani in Harlakhi P.S. Case No. 111 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

N.K/-

U		T	
---	--	---	--

