

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75401 of 2024

Arising Out of PS. Case No.-39 Year-2022 Thana- PATAHI District- East Champaran

Kalawati Devi @ Kalawati Kumari Wife of Rahul Singh Resident of Village -
Padumker, P.S. - Patahi, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kishori Singh Son of Late Ram Janam Singh Resident of Village -
Padumker, P.S. - Patahi, District - East Champaran

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-01-2025 Heard Mr.Madhurendra Kumar, learned counsel

for the petitioner and Mr.Amitesh Kumar, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Patahi P.S. Case No.39 of 2022, dated
24.02.2022 registered for the offences punishable under
Sections 363,366(A) of IPC, Section 8 of the POCSO Act.

3. The prosecution case, in short, is that on
16.02.2022, accused persons including the petitioner are
alleged to have kidnapped the minor daughter (the victim)
aged about 15 years.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent. She has falsely been implicated in the present case merely on the ground that the petitioner is married sister of the co-accused person, namely, Jitendra @ Jokhan. Further submits that the victim has been recovered and her statement under Section 164 Cr.P.C. has been recorded in which she has not stated anything about the petitioner and the victim has stated that she has performed the marriage with the co-accused person namely, Jitendra @ Jokhan and co-accused person, namely, Shambhu Singh and Soni Devi, they happen to be the father and mother of the petitioner, have been granted privilege of anticipatory bail by this Court vide order dated 12.12.2022 passed in Cr. Misc. No.29171 of 2022.

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

6. Considering the aforesaid facts, petitioner has clean antecedent and the victim has not she has not stated anything about the petitioner in the present occurrence, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty



days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Patahi P.S. Case No.39 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has



concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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