

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87405 of 2024

Arising Out of PS. Case No.-695 Year-2024 Thana- NAGAR District- Vaishali

Kiran Devi @ Kiran Kumari W/O Shankar Chaudhary @ Shankar Kumar
R/O- Village- Chhipi Tola, P.S.- Town Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X(through her father Prakash Kumar Thakur) S/O Birendra Thakur R/O Vill.- Rajendra Chowk, Pokhra Mohalla, Prem Market, Gudri Road, P.S.- Town Hajipur, District- Vaishali.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Mr. Manish Kumar, learned counsel for the petitioner as well as learned counsel for the informant and Mr. Anil Kumar Singh No. 1, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Town Hajipur P.S. Case No. 695 of 2024, F.I.R. dated 06.09.2024 for the offences punishable under Sections 96, and 3(5) of the B.N.S., 2023.

3. According to prosecution case, the daughter of the informant went to market after that she did not return her home and after that the informant claimed that the petitioner who is aunt (Mausi) of the co-accused Pawan Kumar Chaudhary had kidnapped the daughter of the informant.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case merely on the ground that she is the aunt of the co-accused, namely, Pawan Kumar Chaudhary and the statement of the victim has been recorded under Section 161/180 of the B.N.S. in which she has categorically stated that she is in love with the co-accused Pawan Kumar Chaudhary and she has also not stated anything about the petitioner in her 161 B.N.S. Statement. The informant's daughter has also solemnized the marriage with Pawan Kumar Chaudhary.

5. The learned Additional Public Prosecutor as well as learned counsel for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that the petitioner has clean antecedent and she has been made accused merely on the ground that she is the aunt of the co-accused and the victim in her statement has not stated anything about the petitioner, let the petitioner, above named, in the event of 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 the learned Additional District and Sessions Judge-VI-cum-Special Judge (POCSO), Vaishali,



Hajipur in connection with Town Hajipur P.S. Case No. 695 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 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 her absence on two consecutive dates without sufficient reason, 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 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.)

Jyoti Kumari/-

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