

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8039 of 2024

Arising Out of PS. Case No.-848 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Munni Devi, W/o Nagina Sah R/o vill - Ruppur, (Rooppur), P.s. - Bhabua,
Distt. - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Tripathy
For the State	:	Mr. Chandra Bhushan Prasad- A.P.P.
For the Informant	:	Mr. Praveen Kumar
		Mr. Mirityunjay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-05-2024 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Sections 376(D)/ 34 of the Indian Penal Code.

3. The case was taken up on 20.02.024 and the case diary was called for, but till date, the case diary has not been received, the Court will not wait endlessly for the case diary.

4. The learned counsel for the petitioner submits that the petitioner has antecedent of three cases and is a woman and has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same is cryptic and does not inspire confidence. It is further submitted that the informant alleges that in May, 2023, she had gone to Bhabua Market



where she met the petitioner and the petitioner disclosed that she was going to Varanasi to attend a marriage and requested the informant to accompany her. Accordingly, the informant accompanied her to Varanasi where it is alleged that she was kept in a Dharamsala where two persons were present from before and the petitioner sold the informant, thereafter it is alleged that for nearly four months, she was kept confined and was repeatedly raped. Further, she took the accused persons in confidence, as such, they disclosed their name as Pradeep Seth and Dinesh Yadav. Further, on account of continuous rape she became pregnant. It is further alleged that on 26.08.2023, the aforesaid named accused persons came in a drunken condition and again committed rape, but taking advantage of their drunkenness, she fled and came back to Bhabhua on 26.08.2023 and four days thereafter, a complaint case was filed on 30.08.2023 wherein she also stated that she was having strained relationship with her husband, as such, her husband also did not file any case regarding her missing for so long. Further, based on the complaint, the instant F.I.R. was instituted.

5. The learned counsel for the petitioner submits that it absolutely does not stand to reason that had the informant been taken to Varanasi by the petitioner and kept confined for so



long, in that event, a case would have been instituted by her family members, but since no case came to be instituted, which amply demonstrates that even the family members were aware of her whereabouts. It is further submitted that even the allegation as alleged in the F.I.R. does not even remotely suggest that she was abducted or taken away forcefully. It is further submitted that it absolutely defies all logic, wisdom and reasonable human behaviour that the accused would have disclosed their name on asking of the informant, when she was not knowing them, which further cast an aspersion on the case of the prosecution.

6. Learned A.P.P. Sri Chandra Bhushan, Prasad opposes the anticipatory bail and submits that the case is in its nascent phases of investigation and in the event, if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond as she carries criminal antecedent, on which the learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail



on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P. S. Case No.848 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

10. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

11. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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