

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50861 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- BAKHARI District- Begusarai

1. Lalita Devi Wife of Dilip Sah Resident of Vill- Shanti Tola Ward No.-11, Bakhri, P.S.- Bakhri, District- Begusarai
2. Dilip Sah Son of Late Kishori Sah @ Late Ghuran Sah Resident of Vill- Shanti Tola Ward No.-11, Bakhri, P.S.- Bakhri, District- Begusarai
3. Chandni Devi Wife of Lalan Sah Resident of Vill- Rasouk Ward No. 09, P.S.- Morkahi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 342, 328, 363, 366, 370, 372, 373, 376, 506 and 120(B) of the Indian Penal Code read with Sections 3, 4 and 5 of the Immoral Trafficking (Prevention) Act.

3. The learned counsel for the petitioners submits that case was taken up on 28.08.2024 and the case diary was called for, but the same till date has not been received.

4. The Court will not wait endlessly for the case



diary and thus proceeds to decide the case on merits based on the allegation as alleged in the FIR and the pleadings made in the anticipatory bail application.

5. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 and 3 are women and the informant alleges that she is wife of Dharamveer Sah and her maternal grandmother died on 11.10.2021, accordingly, she was returning to her matrimonial home after attending the cremation of her maternal grandmother, when on the way she met Dilip, Lalita and Sushila and they started asking her about the sad news and offered her tea and biscuit, further her six months old child was also with her, next alleges that after having tea, she fell unconscious and on regaining consciousness found herself at Khagaria station, on asking how she reached Khagaria, accused persons disclosed that she was made unconscious and thereafter was brought to Khagaria, it is next alleged that thereafter they boarded a train for Delhi, when the informant saw a woman whom she did not know from before, but during the journey, she came to know that her name was Chandani. It is further alleged that in the train also she was made unconscious and when she regained consciousness, she



reached Delhi from where she was taken to Jaipur, it is next alleged that at Jaipur, she was confined in a room and Dilip raped her, thereafter it became a routine that the accused persons used to bring new customers everyday for establishing physical relations, next alleges that after some time she was sold to a person for Rs. 1,30,000/- and she was taken to an unknown place where she stayed for one and a half years, further Dilip on coming to know about the pitiable condition of the informant brought her back to Khagaria, thereafter a *Panchayati* was convened, but the accused persons did not come, accordingly, the instant FIR was instituted.

6. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is also submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not inspire confidence, rather is vague and cryptic. It is next submitted that it absolutely does not stand to reason that if the informant was abducted why no FIR came to be instituted either by her husband or any of her family members. It is thus submitted that a person who was abducted, has instituted the instant FIR alleging that she was abducted, it is submitted that the proposition sounds ridiculous. It is next



submitted that it absolutely does not stand to reason that the informant has not disclosed the name of the person who purchased her, nor the name of the place where she stayed for one and a half years, which casts an aspersion on the case of the prosecution, it is also submitted that it does not appear probable that had Dilip and the other accused persons including the petitioners been involved in the occurrence then Dilip would never have brought her back to Khagaria. It is next submitted that if she was brought back to Khagaria, she was brought from some place, but then the name of that place is also not disclosed that from where she was brought back to Khagaria, which further casts an aspersion on the case of the prosecution.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where



the case is pending/successor court in connection with Bakhri
P.S. Case No. 72 of 2024 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

**9. Accordingly, the instant anticipatory bail
application stands allowed.**

(Satyavrat Verma, J)

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