

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13448 of 2025

Arising Out of PS. Case No.-243 Year-2023 Thana- BHORE District- Gopalganj

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1. Chandrika Bhagat S/O Late Khenar Bhagat Resident of Village- Haradiya, P.S- Bhore, District- Gopalganj.
 2. Vijay Bhagat S/O Chandrika Bhagat Resident of Village- Haradiya, P.S- Bhore, District- Gopalganj.
 3. Kamlesh Bhagat S/O Chandrika Bhagat Resident of Village- Haradiya, P.S- Bhore, District- Gopalganj.
 4. Suresh Bhagat @ Surendra Bhagat S/O Thakur Bhagat Resident of Village- Haradiya, P.S- Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shanti Devi W/O Surendra Ram R/O Village- Haradiya, P.S- Bhore, Distt.- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Opposite Party/s : Mr.Usha Kumari 1

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 16-07-2025 Heard learned counsel for the petitioners, learned
counsel for the OP.No.2 and learned APP for the State.

2. Petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 366(A), 372,506/34
of the Indian Penal Code and section 3(i)(r)(s) SC/ST Act.

3. The allegation in the FIR is that the petitioners had
assisted the main accused Triloki Gupta in elopement of the
informant's minor daughter, who is the victim and she was
subjected to sexual exploitation by the main accused Triloki



Gupta.

4. Learned counsel for the petitioners submits that it would be evident from the narration of the prosecution case itself, that so far as the petitioners are concerned, the allegation against them is they had aided in reaching the victim girl to the main Trikoli Gupta. Further, submission is that there is delay of almost 17 days in lodging the FIR and no explanation of such delay has been tendered. As a matter of fact, the victim had gone to the accused Triloki Gupta out of her own free will and no force was exercised in the same. After recovery the victim had examined first under section 161 of the Cr.P.C wherein she had made a categorical statement that she had gone to Triloki Gupta out of her own will and had also performed marriage with him and no one had kidnapped her. The name of these petitioners does not even feature in the statement before the police. However, subsequently, the statement of the victim girl was also recorded under section 164 of the Cr.P.C wherein she has made a different statement stating that these accused persons had reached to the house of Triloki Gupta on a Bolero vehicle and also made her marry with the said Triloki Gupta. However, she admits the factum of marriage with Triloki Gupta.

7. Learned counsel for the Informant however opposes



the grant of anticipatory bail specifically on the statement of the victim girl recorded under section 164 of the Cr.P.C that these petitioners were also instrumental in causing the disappearance of the victim.

8. Considering the aforementioned facts and circumstances and also the special fact of the case that the main thrust of the allegation is one Triloki Gupta, let, the above named petitioners in the event of their arrest/ surrender within a period of four weeks from today, 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 court below where the case is pending/ successor court in Bhore P.S. Case No. 243 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Soni Shrivastava, J)

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