

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26018 of 2025

Arising Out of PS. Case No.-345 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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1. Tara Devi Wife of Chanu Sahani Resident of village- sohel Chhapra, Ps-Turkauliya, Dist- East Champaran
 2. Chanu Sahani son of Jagan Sahani Resident of village- sohel Chhapra, Ps-Turkauliya, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi Wife of Jaylal Sah village- Kolhwarwa near Ramna Pul, Ps-Motihari town, Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 29-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Town
P.S. Case No. 345 of 2024 instituted for the offences under
Sections 363, 366A, 34 of the Indian Penal Code and later on,
Section 376D of the IPC and Section 4 of the POCSO Act was
added.

3. Prosecution story, in short, is that the accused
Nausad Alam enticed away the informant's minor daughter with
wrongful intent, and in such occurrence, she was later taken



away by other accused persons on a tempo. Since then, victim has been missing.

4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Learned counsel further submitted that there is a delay of three days in lodging the FIR without any plausible explanation, which in itself, raises doubt over the prosecution story. Petitioners are not named in the F.I.R. The name of the petitioner transpired in this case on the basis of statement of the victim recorded before the police. Learned counsel further submitted that victim, in her statement recorded under Section 164 Cr.P.C., has not whispered anything against petitioner no. 1 and so far as petitioner no. 2 is concerned, the victim has only stated that he tried to commit wrong with her. Learned counsel further submitted that there is contradiction in the statements of the victim recorded under Sections 161 and 164 of the Cr.P.C. It has been submitted on behalf of the petitioners that petitioners are in custody since 05.11.2024 and have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned APP further submitted that police, after investigation, submitted



charge-sheet under Sections 342, 363, 370, 372, 373 of the IPC, Section 8 of the POCSO Act and Sections 3/4/5 of the Immoral Traffic (Prevention) Act against petitioner no. 1, namely, Tara Devi and under Sections 376, 511 of the IPC and Section 4 of the POCSO Act against petitioner no.2, namely, Chanu Sahani. Learned counsel further submitted that victim in her statements recorded under Sections 161 and 164 of the Cr.P.C. has made direct and serious allegations against the petitioner no. 1 that she forcibly entered her into flesh trade and against petitioner no. 2 that he tried to establish physical relationship with her and therefore, the petitioners do not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case and the statements of the victim recorded under Section 161 and 164 of the Cr.P.C. and also taking note of the fact that, police after investigation submitted charge-sheet under Sections 342, 363, 370, 372, 373 of the IPC, Section 8 of the POCSO Act and Sections 3/4/5 of the Immoral Traffic (Prevention) Act against petitioner no. 1, namely, Tara Devi, this Court is not inclined to grant bail to the petitioner no. 1, namely, Tara Devi.

7. Accordingly, the prayer for grant of bail to the petitioner no. 1, namely, *Tara Devi* is ***rejected***.



8. So far as petitioner no. 2 is concerned, there is no material of committing rape upon the victim as also considering the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner no. 2, namely, Chanu Sahani.

9. Let the *petitioner no. 2, namely, Chanu Sahani* 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 Court below/concerned Court in connection with Town P.S. Case No. 345 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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