

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27873 of 2025

Arising Out of PS. Case No.-167 Year-2024 Thana- RAXAUL District- East Champaran

Nisha Devi W/O Indrajit Mahto R/O Triloki Nagar, P.S.- Raxaul, District-
East Champaran. Petitioner/s

Versus

1. The State of Bihar.
2. Kavita Devi W/O Promod Mahto R/O Trilokinagar, P.S.- Raxaul, District-
East Champaran. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Perna Rishi, Advocate
For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending her arrest in
connection with Raxaul P.S. Case No. 167 of 2024, registered for
the offences punishable under Sections 366A, 120B, 376DA, 504,
506 r/w 34 of the Indian Penal Code, 1860 and Sections 4 and 6
of the Protection of Children from Sexual Offences Act, 2012.

3. As per FIR, petitioner alongwith other co-accused
called 12 years minor daughter of the informant from her home
and, thereafter, hand over to one co-accused Sohail Khan
thereafter, she further supplied to another co-accused Jitendra. It
was said by victim upon recovery to the informant that she was



raped by several accused persons.

4. It is submitted by learned counsel appearing for the petitioner that the present FIR was lodged with a delay of three days i.e. on 12.05.2024 for the occurrence i.e. 09.05.2024. It is pointed out that aforesaid delay is not appears explained through FIR. It is also submitted by learned counsel that victim left her house on her own due to love affairs which can be gathered from FIR, as the allegation of instigation is not available against petitioner. It is also pointed out that upon recovery nothing incriminating found medically upon victim, which *prima facie* suggest that rape/penetrative sexual assault was not committed upon her. While concluding argument, it is pointed out that petitioner is a lady of clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that as petitioner alongwith other co-accused, namely, Sheetal Kumari after taking victim in confidence brought her to nearby market from her home and, thereafter she was hand over to the co-accused Sohail Khan, who further supplied her to co-accused Jitendra. It is submitted that the allegation is very specific against this petitioner and this fact also supported by victim while recording her statement under Section 164 of Cr.P.C.

6. Despite of service, none appeared on behalf of the



informant to join present pending proceedings.

7. Considering the aforesaid facts and circumstances and by taking note of fact as the petitioner played active role to call informant from her home and her active involvement *qua* crime in question was also supported by the victim while recording her statement under Section 164 of Cr.P.C., accordingly prayer of anticipatory bail of the petitioner stands rejected.

(Chandra Shekhar Jha, J)

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