

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.241 of 2025

Arising Out of PS. Case No.-586 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Savita Devi Wife of Ram Briksh Sah Resident of Village- Ahirauliya, P.S.-
Kotwa, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 29806 of 2025

Arising Out of PS. Case No.-586 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Baka Sah @ Banka Sah S/o- Late Rajbanshi Sah @ Rajbansh Sah Village-
Bahera PS- Sikta Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 241 of 2025)

For the Petitioner/s : Mr. Abhishek Kumar, Adv

For the Opposite Party/s : Ms. Pushpa Sinha, APP

(In CRIMINAL MISCELLANEOUS No. 29806 of 2025)

For the Petitioner/s : Mr. Sunil Kumar No.Iii, Adv

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

8 19-06-2025 Heard learned Counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners seek regular bail in a case registered
for the offences punishable under Sections 84, 87, 143(2) and
3(5) of the B.N.S.

3. As per the prosecution case, the petitioners and



other co-accused persons are alleged to have enticed the informant's sister and sold her for prostitution.

4. Learned counsel for the petitioner *Sabita Devi* has submitted that the petitioner is innocent and she has no concern with the said incident and merely because she happens to be the neighbour of the informant, she has falsely implicated in this case and no specific allegation of overt act has been alleged against her. It has further been submitted that the statement of the victim (informant's sister) was recorded under Section 183 of the B.N.S.S., wherein she has not made any specific allegation against the petitioner barring the fact that it was the petitioner and the co-accused Maya Devi who had forcefully taken her in their vehicle. It is lastly submitted that the petitioner (Sabita Devi) has clean antecedent and is in custody since 13.09.2024.

5. Learned counsel for the petitioner *Baka Sah* has submitted that the petitioner is not named in the F.I.R. and his name has surfaced on the confessional statement of the co-accused Hari Sah and he has no concern with the said incident. It is further submitted that the victim was shown to have been recovered from the house of the petitioner Baka Sah, which the petitioner was unaware, and he was arrested from his own



house. It is further submitted that even from perusal of the case diary there is no specific allegation of overt act alleged against the petitioner. It is lastly submitted that the petitioner (Baka Sah) has clean antecedent and is in custody since 13.09.2024.

6. Learned APP for the state has vehemently opposed the prayer for bail and has stated that the allegation levelled against the petitioners is serious in nature and the petitioners had tried to sell the victim for the purposes of prostitution.

7. Considering the aforesaid submissions of the parties and also considering the period of custody, let the petitioners above-named, be enlarged on 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 learned Court concerned, East Champaran, in connection with Town P.S. Case No. 586 of 2024, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of their bail bond.



(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. The applications stand allowed.

9. *However, it is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.*

(Sourendra Pandey, J)

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