

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10801 of 2026

Arising Out of PS. Case No.-33 Year-2023 Thana- SIMRI District- Buxar

Lilawati Devi W/o Late Ram Pravesh Sah R/o Village - Bika huk Ka Dera, PS
- Simri, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Dimpal Kumari, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 09-06-2026 The present second anticipatory bail petition preferred on the sole reason that the earlier bail petition was disposed of with a direction to surrender before the learned trial court, in view of the fact that the offence alleged under Section 363/34 of the IPC was bailable in nature.

2. Taking note of aforesaid observations, it is submitted by learned counsel appearing for the petitioner that it was the wrong fact and on 17.12.2024 the offence under Sections 371 and 328 of the IPC and also the offences under Section 3/4 of the D.P. Act was added and, therefore, the allegation was not purely bailable rather non-bailable in nature. It is pointed out that earlier anticipatory bail petition of the petitioner bearing ABP No. 416/2023 dated 11.04.2023 was rejected by the learned trial court and by that time only the FIR



was lodged under Section 363/34 of the IPC and, therefore, against said rejection order, the earlier anticipatory bail petition was preferred without taking note of addition of new offences in the FIR dated 17.12.2024. Thereafter, again second anticipatory bail petition was preferred before the learned trial court, which is now impugned order mentioning all the added offence as discussed aforesaid, which was rejected by learned trial court through impugned order dated 10th December, 2025. It is also pointed out by learned counsel that earlier rejection was not after considering the merit and, therefore, still the merit of this case is open to argue.

3. The allegation against the petitioner is to kidnap the minor daughter of the informant and also to administered her medicine to make her unconscious and also to forced her to work as maid servant at Lucknow.

4. It is submitted by learned counsel appearing on behalf of the petitioner that after recovery of victim, her statement was recorded under Section 164 of Cr.P.C. where she named only Muniya and Usha Devi and no allegation was raised against this petitioner. It is also pointed out that FIR in issue was lodged with a delay of one month and 23 days, which only suggest the afterthought implication of this petitioner, who is a



lady of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as *prima facie* victim failed to name the petitioner, suggesting her involvement with crime in question, coupled with the fact that the petitioner is a lady of clean antecedent, accordingly, above named petitioner, in the event of her arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Buxar/concerned Court, where the case is pending in connection with Simri P.S. Case No. 33 of 2023 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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