

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36264 of 2025

Arising Out of PS. Case No.-200 Year-2024 Thana- KATHAIYA District- Muzaffarpur

Arti Devi @ Arati Devi, D/o Kailash Khalifa, R/o Village-Nadel, P.S.- Bakhri,
District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 13-01-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending her arrest in connection with Kathaiya P.S. Case No.200 of 2024 registered under Sections 137(2) and 96 of the Bhartiya Nyaya Sanhita, 2023 (in short ‘B.N.S.’).

3. As per FIR, the minor daughter of informant aged about 15 years found missing since 03.09.2024, where informant received a call on 21.09.2024, at about 1.30 a.m. from mobile No.8789169100 from her missing daughter, as she was kept in village-Islampur and while she was explaining the details, the mobile was switched off suddenly.

4. It is submitted by learned counsel appearing for



petitioner that the present FIR was lodged with delay of 21 days after recovery of the victim. It is pointed out that after recovery, the statement of victim was recorded under Sections 180 and 183 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS'). Contradicting the aforesaid statement of victim, it is pointed out that same falsify the case of prosecution on its face for the reason that while recording her statement under Section 183 of the BNSS, the victim categorically stated that she was kept in Islampur for two and half months but she was recovered only after 21 days of the occurrence. It is further pointed out that the victim has refused to join medical examination and also she failed to support the occurrence in Sessions Trial No.111 of 2025 *qua* another apprehended co-accused namely, Gita Devi. It is also pointed out that the matter now compromised between the parties. The petitioner claimed clean antecedent.

5. Mr. Navin Kumar Pandey, learned APP appearing for the State while opposing the prayer of bail submitted that the victim has categorically stated name of this petitioner while recording her statement under Section 183 of



the BNSS that she is the master mind of the entire racket. It is pointed out that the petitioner forced victim to illicit intercourse with another persons, where around 10-20 people subjected illicit intercourse with her while she was in captivity with petitioner. It is pointed out that this fact also supported during investigation while recording statement of victim under Section 180 and 183 of the BNSS. Learned APP further submitted that non-joining of medical examination does not lead to conclusion *ipso facto* that the victim was not seduced/forced for illicit intercourse as stated and there is no discrepancies or contradictions *qua* occurrence. It is further submitted by learned APP that difference in time period is not a major factor to disbelieve the entire allegation, as stated by victim who was minor even below 15 years on the date of occurrence, as her date of birth was 09.04.2009.

6. Arguing further, learned APP submitted that the offence alleged non-compoundable in nature and, therefore, the compromise as submitted by learned counsel is of no bearing as far merit of this case is concerned and furthermore, the deposition of victim in Sessions Trial No.111



of 2025 is also of no bearing as same was deposed *qua* another co-accused namely, Gita Devi.

7. In view of aforesaid factual submissions and by taking note of fact, as victim after recovery, specifically stated against this petitioner as a master-mind of entire racket and forced her to illicit intercourse with another persons while she was in captivity while recording her statement under Section 183 of the BNSS and also under Section 180 of the BNSS, accordingly, the prayer for anticipatory bail of petitioner stands rejected.

8. Learned Trial Court is directed to decide the regular bail of the petitioner on surrender/arrest in accordance with law without being prejudice by this order.

(Chandra Shekhar Jha, J.)

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