

IN THE COURT OF SATYA BHUSHAN ARYA, SESSIONS JUDGE, BANKA

Lakho Devi Versus State of Bihar

Bail Petition No. 239 of 2026

Date of filing : 08.04.2016

Date of order : 06.05.2026

In the matter of :

Lakho Devi wife of Pankaj Raut, aged about 35 years, resident of village Shiv Nagar, p.s. Panjwara, district Banka

..... Petitioner

-Versus-

State of Bihar

.....Opposite Party

Present :- Sri Ram Kishore Yadav, Advocate for the Petitioner
Sri Hira Lal Singh, Public Prosecutor for the State

ORDER

1. Yearning for an order of emancipation the bail petition has been filed by the petitioner, who is booked in Panjwara Police Station Case No. 106 of 2023, for the offence allegedly committed under Sections 363, 366(A), 34 of IPC and is confined in jail since 07.03.2026.

2. Case of prosecution is based upon a gravamen filed by Prem Sagar Raut with the allegations that on 07.09.2023, at about 4:00 pm, his daughter Dewaki Kumari, aged 16 years, and his granddaughter Sakshi Kumari, aged about 5 years, went out of their house on their call of nature, but they didn't return. They were searched but they could not be traced. It is alleged that his daughter Dewaki Kumari used to talk from mobile numbers 8826824472 and 8002142689, for hours from the house of Lakho Devi. It is alleged that Badku Manjhi, Kangress Manjhi and Janta Manjhi, all residents of Mahuadih were following her daughter for the past few days. He further suspected that they took away his daughter on the pretext of marriage.

3. In oral arguments, learned counsel for the petitioner submitted that Lakho Devi has no role in the entire scenario. She has falsely been implicated in this case. She has no connection or nexus with the alleged crime whereas she is confined in jail since 07.03.2026.

4. In counter, learned Public Prosecutor stoutly opposed the bail application and drew attention of this court on para no. 140 of case diary, wherein the

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prosecutrix in her statement under Section 164 CrPC has stated that on 07.09.2023, at about 09:10 am, she along with her niece went with Lakho Devi to Bhagalpur and they called Luvkush Kumar from Chandigarh. Lakho Devi solemnized her marriage with Luvkush Kumar in a temple. Luvkush Kumar took prosecutrix and her niece to Chandigarh, where he committed rape on the person of prosecutrix. She has further stated that Lakho Devi has sold her to Luvkush Kumar for Rs. one lakh.

5. *Heard rival submissions and perused the record. In the gravamen, the accused-petitioner has specifically been named as the victim used to talk for hours by phone call from the house of this accused/petitioner. The statement of the victim girl has been recorded u/s 164 CrPC, wherein she has taken the name of the accused/petitioner as she sold her to Luvkush Kumar for Rs. one lakh, who committed rape on her person. Keeping in view the above facts and circumstances as well as the nature of case and further fact that the case is still at its nascent stage of investigation as no chargesheet has yet been filed; this court is not inclined to emancipate the petitioner on bail; resultantly the bail application is dismissed.*

6. *File be consigned to the record room and that of trial court be sent back with a copy of this order.*

7. *Keeping in view the General Order no. 1 of 1991 (Criminal) dated 07.03.1991, the certified copy of FIR, if desired, be returned back to the petitioner on placing the xerox copy thereof on record.*

(Dictated)

(Satya Bhushan Arya)
Sessions Judge, Banka