

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10722 of 2016

Arising Out of PS.Case No. -159 Year- 2015 Thana -DESARI District- VAISHALI(HAJIPUR)

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1. Kamlesh Sahni @ Akhilesh Sahni Son of Shankar Sahni, Resident of
Village - Chainpur Nankhar, P.S. - Desari, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Ansuiya Jaiswal(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 27-04-2016

Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 363, 365, 366 and 448/34 of the I.P.C

Allegedly, Soni Devi, aged 22 years and her daughter
Putul Kumari, aged one year were taken away by the petitioner
from the house and thereafter with the help of other co-accused
both were kidnapped. During investigation the victim Soni Devi
appeared and her statement has been recorded under section 161
of the Cr.P.C. and also under section 164 of the Cr.P.C. wherein
she has made allegation against the petitioner for kidnapping her.

Submission is of false implication and that the victim
after one month gave her statement before the police and before
the learned Magistrate, earlier she has filed a petition in the
learned court below stating that she with her consent has

performed marriage with the petitioner and from Annexue-2 it reveals that both have performed marriage willfully and as such the petitioner who is suffering in custody since 19.12.2015 deserves sympathetic consideration, co-accused Hare Ram Rai and others have been allowed pre-arrest bail vide Cr. Misc. No. 48772 of 2015.

The learned A.P.P. fairly submits that the victim has appeared herself before the police with her minor daughter.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Vaishali at Hajipur in Desari P.S. Case No. 159 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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