

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9150 of 2016

Arising Out of PS.Case No. -151 Year- 2015 Thana -SIMRI District- DARBHANGA

1. SONU KUMAR SAHNI @ SONU SAHNI Son of Dinesh Sahni,
Resident of Village - Phulthua, Police Station- Simari and District -
Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Upendra Kumar(App)

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

3 26-04-2016 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, 366 and 34 of the I.P.C

Allegedly, the petitioner and other co-accused
kidnapped Bibha Kumari, aged 15 years, sister of the informant.
During investigation the victim was recovered from Himachal
Pradesh and she has given her statement under section 164 of the
Cr.P.C. wherein she has supported the allegation of kidnapping by
the petitioner and others and further that she was administered
intoxicant and in that condition what was done with her she does
not know.



Submission is of false implication and that the victim girl is major one, she has performed marriage with the petitioner and sworn affidavit also in this regard before the Notary Public, Darbhanga, vide Annexures-2 series, but later on the victim under the pressure of her guardian has given tutored statement under section 164 of the Cr.P.C, the doctor has assessed the age of the victim in between 18-19 years and no sign of recent sexual intercourse was found.

The learned A.P.P. opposes prayer for bail by submitting that the victim has stated her age as 14 years, whereas, the learned Magistrate has assessed her age as 15 years.

In the facts and circumstances as stated above, considering the age assessed by the doctor and further considering the custody of the petitioner and that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such 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 Sri Ravi Pandey, J.M. 1st Class, Darbhanga in Simri P.S. Case No. 151 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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