

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 45161 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -NAWAKOTHI District- BEGUSARAI

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Shailendra Sahni @ Shailendra Kumar Sahni, Son of Late Maheshwar Sahni, resident of Village Babhangama, P.S. Nawkothi, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ajay Kumar Sinha, Advocate

For the S t a t e : Mr Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-09-2017

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks bail in a case registered under Sections 366A/34 of Indian Penal Code.

The first information report has been lodged by one Bablu Mahto alleging that his daughter has been abducted by five named accused persons including the instant petitioner for the purpose of marriage. Counsel for the petitioner submits that falsity of the allegation would be apparent from the fact that even though as per the FIR, the incident is of 31.05.2017 but the FIR was lodged on 04.06.2017. It is further submitted that the instant case is a case of love affair and that the girl has eloped with Bambam Sahani who is the younger brother of the petitioner and that they have already solemnized marriage. The petitioner has no



criminal antecedent.

Considering the aforesaid submissions, prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Begusarai in Naokothi Police Station Case No 48 of 2017 subject to the following conditions:

- (i) *That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.*
- (ii) *That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.*
- (iii) *That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.*
- (iv) *That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.*
- (v) *That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.*

(Madhuresh Prasad, J)

M.E.H./-

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