

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.42434 of 2017**

Arising Out of PS.Case No. -57 Year- 2015 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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1. Harendra Sahani, Son of Nanhaki Sahani, Resident of Village-  
Khalishpur, P.S.- Sarairanjan, District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      14-09-2017                      The petitioner seeks regular bail in connection with  
  
Jandaha P.S. Case No. 57 of 2015, registered for offences  
  
punishable under Section 363, 365, 372/34 of the Indian Penal  
  
Code and subsequently added Section 376 and 494 of the Indian  
  
Penal Code.

Allegation against the petitioner is of kidnapping the  
  
minor daughter of the informant.

It has been submitted on behalf of the petitioner that girl  
  
has been recovered and she in her statement recorded under  
  
Section 164 Cr.P.C has not made any allegation against the  
  
petitioner rather she has stated that she went with the petitioner out  
  
of her own will in spite of knowing the fact that petitioner is  
  
married. It has also been submitted that no case under Section 376

is made out against the petitioner as it is the case of consensual sex and further in medical examination her age was also assessed between 17 to 19 years. Petitioner has been in judicial custody since 30.05.2017.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge, Vaishali at Hajipur, in connection with Jandaha P.S. Case No. 57 of 2015, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the



court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

**(Vinod Kumar Sinha, J)**

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