

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51260 of 2017

Arising Out of PS. Case No.-119 Year-2015 Thana- SONBERSA District- Sitamarhi

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Anil Sahni, Son of Jitan Sahni, R/o Dhalkawa, P.S.- Sonbarsa, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code.

The prosecution case got initiated on the written report of one Shambhu Kumar Yadav, alleging therein that on 31.07.2015, the neighbour of the informant Sabitri Devi came to the house of the informant and took his daughter Arti Kumari on pretext that some relative has come to her house, hence, the victim was required for assisting her in cooking food for the guests. At about 9 PM, when the daughter of the informant did not return, then the wife of the informant went to the house of the Savitri Devi, but none was present there. The



neighbouring persons, like Umakant Prasad and Ramakant Prasad, conveyed to the informant that Jiitan Sahni, Savitri Devi, Sanjay Sahni, Sunil Sahni, Nandu Sahni, Chhetan Sahni and the petitioner Anil Sahni took the informant on a vehicle. The informant tried to contact the accused persons through mobile, but could not succeed. Ultimately, he contacted with Jitan Sahni, who conveyed that, at present, they are in Sitamarhi, and will return after two days, but the daughter of the informant did not return and when the informant went to the house of the accused persons, they started scuffling with the informant.

It is submitted by learned Counsel appearing on behalf of the petitioner that the informant of her own went in the company of the petitioner and married with him in a temple. In the statement of the victim recorded under section 164 Cr. P.C. on 20.06.2017, the victim got her age recorded as 21 years when the Court below has also assessed her age as such. She appeared with a six months' old child and has admitted that she had married with the petitioner in a temple in Tamilnadu and is residing with her husband, the petitioner. She further expressed her willingness to reside with her in-laws family. The 164 Cr.P.C. statement has been brought on record



as Annexure-2. It is further submitted that the family members of the petitioner have been granted bail on statement of the victim made before a co-ordinate Bench of this Court to the effect that she of her own married with the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

Learned APP appearing on behalf of the State submits that the thrust of accusation is against the petitioner and the present case was registered in 2015, but till date the petitioner has not surrendered.

Considering the rival submissions of the parties, it appears that during consideration of the bail application of the family members of the petitioner vide Criminal Miscellaneous No. 27522/2016, the victim appeared before the co-ordinate Bench of this Court and admitted that she of her own married with the petitioner, and considering the same the co-accused have been granted bail. The aforesaid order has been brought on record as as Annexure-3, which reads as under :-

“Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case



registered for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code.

The allegation relates to kidnapping of the daughter of the informant. The victim girl is physically present in Court and submits that she voluntarily married with co-accused Anil Sahni.

The matter is of love affair.

Considering the statements of the victim girl, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi/Successor Court in connection with Sonbarsa P.S. Case No.119 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.”

Considering the fact that from the documents on



record, particularly, from the impugned order, it does not appear that there is dispute with regard to age of the victim as she got recorded her age as 21 years during recording of 164 Cr.P.C. statement and the learned Magistrate also assessed as such. Moreover, she appeared before the learned Magistrate with her six months old child and admitted that she of her own married with the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sitamarhi, in connection with Sonbarsa P.S. Case No.119/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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