

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26922 of 2017

Arising Out of Mohania P.S.Case No. -31 Year- 2017 Thana -MOHANIA District- BHABHUA
(KAIMUR)

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Balwant Sahani, son of Basantu Sahani, resident of village- Churmuli, P.S.-
Baburi, District- Chandauli (U.P.)

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 06-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
30.03.2017 in connection with Mohania P.S. Case No. 31 of 2017
for offences punishable under Sections 366 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that his wife Sita Devi went for her coaching class on 17.01.2017
and did not return. It is alleged that the petitioner has taken her
away for the purpose of marriage along with other associates.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case. He submits that the



victim lady has also stated before the Chief Judicial Magistrate, Kaimur (Bhabua) in the present case that she is living with the petitioner and since her husband was drunken who abuses her and assaults her she does not want to stay with him. It is further submitted that no such occurrence has taken place as the victim lady has gone with the petitioner out of her own sweet-will and her statement under Section 164 Cr.P.C. has been taken under threat before the Magistrate. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses and that the informant's wife is a married lady and no such offence under Section 366 I.P.C. is made out against him.

However, learned APP for the State opposes the prayer for bail stating therein that although the informant's wife had gone for job at Bengluru she was intended to be sold as evident from her statement under Section 164 Cr.P.C.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur (Bhabua) in connection with Mohania P.S. Case No.31 of 2017, subject to the condition that



one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Devendra/-

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