

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4409 of 2019

Arising Out of PS. Case No.-237 Year-2018 Thana- BISFI District- Madhubani

Raushan Kumar Sahani @ Raushan Kumar son of Sambhu Sahani, R/vill-
Jagwan Kataiya, P.S-Bisfi, Distt.-Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323, 448, 380, 363, 366(A), 504, 506/34 of the Indian Penal Code.

The prosecution case, in short, is that the in the night of 7/8.8.2018 the daughter of the informant had gone to ease, in the meantime petitioner and Shatrughan Sahni caught her and they seated her on a motorcycle. When she raised alarm, the petitioner was apprehended by the police. The accused persons gave threatening to kidnap and solemnize marriage with her.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The



petitioner has falsely been implicated in the present case. Prior to institution of the present case, a complaint case was filed by the mother of the victim on 10.08.2018 alleging the date of occurrence to be 07.08.2018. Annexure 3 is the Jimenama prepared by the local Police Station on 07.08.2018. As per Annexure 3, the custody of the victim and the boy was given to their respective parents. The allegations made in the complaint was also denied to a great extent vide Annexure 3, to which the mother of the victim was party. The present case was instituted on 06.09.2018, virtually after a period of about one month from the date of alleged occurrence. The delay has not been explained by the prosecution. As per panchnama, once the custody of the victim was given to her mother vide Annexure 3, the statement of the victim under Section 164 Cr.P.C. was recorded on 07.09.2018 i.e. after a month.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of learned A.C.J.M.,
Benipatti, Madhubani in connection with Bisfi (Patauna) P.S.
case No.237 of 2018, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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