

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10701 of 2019

Arising Out of P.S. Case No.-689 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champanan

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MANTU SAHANI, aged about 25 years, Male, Son of Lal Babu Sahani
Resident of Village- Khairi Jamuniya, Balahi, P.O. and P.S.- Pipra, District-
East Champanan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-02-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
02.11.2018 in connection with Muffasil P.S.Case No.689 of
2018 for the offence alleged under Sections 363 and 366(A)/34
of the Indian Penal Code.

The prosecution case as lodged by the informant is
that his daughter Kabita Kumari aged 17 years went for cutting
grass and has been kidnapped by the petitioner along with two
co-accused. The victim girl was recovered by the informant who
narrated that the petitioner had taken her to his house and was
taking her along with co-accused Radheshyam Sahani to his
aunt's place but she escaped.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and there was a love affair between the petitioner and the victim girl who had gone with him out of her own sweet will. He further submits that the victim girl is aged about 18 years and even in the statement under Section 164 of the Cr.P.C. she has not alleged any overt-act against the petitioner. He further submits chargesheet has already been submitted and the petitioner is languishing in judicial custody since nearly four months.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl was a minor as stated by the informant as also in the deposition before the Magistrate.

Considering the nature of allegation and that chargesheet has already been submitted, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Muffasil P.S.Case No.689 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran.

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(Nilu Agrawal, J)

