

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27020 of 2019

Arising Out of PS. Case No.-164 Year-2018 Thana- SONBERSA District- Sitamarhi

1. Chhotkan Sahni Son of Siya Sharan Sahani Resident of Village - Hushanagari, P.S.- Sonbarsa, Distt - Sitamarhi.
2. Sia Devi @ Siya Devi @ Kanti Devi Wife of Chhotkan Sahani Resident of Village - Hushanagari, P.S.- Sonbarsa, Distt - Sitamarhi.
3. Samta Devi @ Samata Devi Wife of Shivji Sahani Resident of Village - Hushanagari, P.S.- Sonbarsa, Distt - Sitamarhi.
4. Dharkhan Sahani @ Dharkhan Sahani Son of Chhotkan Sahani Resident of Village - Hushanagari, P.S.- Sonbarsa, Distt - Sitamarhi.
5. Shivji Sahni @ Shivjee Sahani Son of Chhotkan Sahani Resident of Village - Hushanagari, P.S.- Sonbarsa, Distt - Sitamarhi.
6. Mandho Devi @ Andhan Devi Wife of Jagarnath Sahani Resident of Village - Dalkawa @ Dalkaba, P.S.- Sonbarsa, Distt - Sitamarhi.
7. Raj Kali Devi Wife of Jailal Sahani Resident of Village - Dalkawa @ Dalkaba, P.S.- Sonbarsa, Distt - Sitamarhi.
8. Jagarnath Sahni @ Jagarnath Sahni @ Jagarnath Sahni Son of Jailal Sahani Resident of Village - Dalkawa @ Dalkaba, P.S.- Sonbarsa, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 26-07-2019 Learned counsel for the petitioners seeks permission to withdraw this bail petition on behalf of petitioner no. 8 (Jagarnath Sahni) submitting that the said petitioner has been apprehended during pendency of this petition.

Permission is granted.

Accordingly, this bail petition is dismissed in respect of petitioner no. 8 (Jagarnath Sahni).



Heard learned counsel appearing on behalf of the petitioner nos. 1 to 7 and learned APP for the State.

Petitioners apprehend their arrest in connection with Sonbarsa P.S. Case No. 164 of 2018 registered for the offence punishable under Sections 363, 366, 306, 511/34 of the Indian Penal Code.

When the daughter of the informant had gone to market to fetch some articles, nine accused persons named in the FIR including the petitioners are said to have kidnapped her. Later on, she was recovered from the house of petitioner Chhotkan Sahni. Due to aforesaid kidnapping, his daughter was disturbed and she tried to set her ablaze. She was rushed to the hospital, but she succumbed to her injury during the course of treatment.

It is submitted by learned counsel appearing on behalf of the petitioner nos. 1 to 7 that the petitioners have no concern with the aforesaid occurrence. They have been falsely implicated in this case. Allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of five months in lodging the FIR without assigning plausible explanation for the same. Petitioner nos. 1, 2, 3, 4, 6 and 7 have been made accused



in the case only they happen to be relative of accused Shivji Sahni. Petitioners have no criminal antecedent, hence, they may be enlarged on bail.

On the other hand, learned counsel for the informant and learned APP for the State opposing the bail prayer of the petitioners submitted that petitioner Shivji Sahni had kidnapped the victim with the help of other accused persons, who are his relatives and the victim was recovered from the house of petitioner Chhotkan Sahni and due to aforesaid kidnapping, the victim was upset and she tried to set her ablaze and subsequently she succumbed to her burn injury during the course of treatment, hence, the petitioners do not deserve bail.

As there is specific allegation of kidnapping of victim against the petitioner no. 5 (Shivji Sahni) and due to said kidnapping, the victim had set her ablaze, I am not inclined to enlarge him on bail. Accordingly, his prayer is rejected.

However, petitioner no. 5 (Shivji Sahni) is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

So far as the petitioner nos. 1, 2, 3, 4, 6 and 7 are



concerned, as they happen to be relative of said Shivji Sahni and they only extended cooperation in the kidnapping of the victim by the said accused, they are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. Sitamarhi in connection with Sonbarsa P.S. Case No. 164 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this bail petition is disposed of.

(Prakash Chandra Jaiswal, J)

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