

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38082 of 2019**

Arising Out of PS. Case No.-10 Year-2018 Thana- RAJEPUR District- East
Champanan

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SHAMBHU SAHANI, aged about 62 years, male, Son of Late Bhikhari
Sahani Resident of Village- Chakki Bhurkurwa, P.S.- Rajepur, District- East
Champanan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Vijay Shankar Shrivastava, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 363, 366(A)/34 of the Indian Penal Code
registered in connection with Rajepur P.S. Case No. 10 of 2018.

3. It is submitted that the petitioner has been falsely
implicated merely because he happens to be the father of co-
accused Ramesh Kumar with whom the so-called victim had
eloped. The petitioner has neither been made accused in the F.I.R.
nor in the deposition of the girl recorded under Section 164 Cr.
P.C. in which she has claimed to be 19 years of age and assessed
to be of 18 years. In her statement, she has stated that she is
living harmonious life with Ramesh Kumar and as such the
ingredients of Section 366A of IPC are not satisfied. The said
accused Ramesh Kumar has been granted regular bail by this
Court in Cr. Misc. No. 66725 of 2018 while another son of the
petitioner Umesh Sahani has been granted anticipatory bail by



this Court in Cr. Misc. No. 66040 of 2018. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar at Motihari, East Champaran in connection with Rajepur P.S. Case No. 10 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Ibrar/BT

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