

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39269 of 2019

Arising Out of PS. Case No.-231 Year-2018 Thana- AMARPUR District- Banka

ABADH KISHOR SAHANI @ AWADH KISHOR SAHANI Son of
Ramdawan Sahani Resident of Village- Lakhawra, P.S.- Lakhaura, District-
Motihari, East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 20-08-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Sessions Trial No. 421**
of 2018 arising out of Amarpur P.S. Case No. 231 of 2018,
instituted for the offence under Section(s) 366A of Indian Penal
Code pending in the court of learned Sessions Judge-I, Banka.

It is alleged in the written report that daughter of
the informant had gone for call of nature and she did not return.
The informant has raised suspicion that somebody has
kidnapped her for performing marriage.

The victim girl after recovery has given statement
under Section 164 Cr. P.C. (Annexure-2). In her statement
recorded under Section 164 Cr. P.C. she has stated her age as 15



years. The court has assessed her age as 16 years. She has stated in her statement recorded under Section 164 Cr. P.C. that she was returning after withdrawing money from Allahabad Bank Manoj Kumar gave her something to eat. He brought her to Bhagalpur by Auto. Thereafter, he brought her to Patna and kept her in Hotel for two days and committed illegal act with her. Thereafter, she was handed over to unknown person namely, Awadh Kishore Sahani (petitioner). It is further alleged that petitioner brought her to Motihari by bus and performed marriage. He took her to his home Lakhora and kept her for 4-5 days from where he took her to Assam and committed illegal act with her. Later on, she has been recovered by the Police. The girl has stated in her statement that she wants to go with her parents.

The victim girl has been medically examined. The Doctor has found her age above 16 years and below 18 years.

From medical report as well as statement of victim girl recorded under Section 164 Cr. P.C., it appears that victim is minor and her marriage has not been performed with consent. She has been kidnapped and forcibly married and thereafter she was taken to Assam by the petitioner where he has committed illegal act with her.



Therefore, this Court is not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner stands rejected.

The trial court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of nine months from the date of receipt/production of copy of this order.

(Sanjay Priya, J)

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