

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75369 of 2018

Arising Out of PS. Case No.-70 Year-2018 Thana- WARISNAGAR District- Samastipur

Shyam Babu Sahni @ Pintu Sahni son of Shri Ram Dayal Sahni, Resident of
Village- Mogalanichak, Ward No. 11, P.S.- Warisnagar, District- Samastipur.
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Kumar
For the Opposite Party/s : Mr.Sri Rajkishore Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 24-01-2019 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel appearing on behalf of
the informant.

In pursuance to the order dated 15.01.2019, the In-
Charge of Remand Home, Gaighat, Patna, Officer-in-Charge of
Alamganj Police Station, the Superintendent of Jail, Samastipur,
as well as the informant have appeared in person and have
produced the victim girl Surbhi Raj from the remand home and
the petitioner from jail custody.

Petitioner is languishing in judicial custody since
03.07.2018 in connection with Warisnagar (Mathurapur O.P.)
P.S. Case No. 70 of 2018, G.R. No. 593 of 2018 for the offences
alleged under Section 363, 366(A) and 34 of the Indian Penal
Code.

The prosecution case as lodged by the informant is



that his 15½ year daughter Surbhi Raj had gone to the temple and is traceless. It is alleged that one Bipin Kumar who used to take her to the tuition coaching had kidnapped her daughter.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and was in love affair with the victim girl who had gone out of her own sweet-will. It has also been submitted that there is no case of kidnapping against the petitioner as both are married and now the victim girl Surbhi Raj is pregnant. In this connection, victim girl Surbhi Raj and the petitioner were directed to be produced in chambers by order dated 15.01.2019.

After interaction with the victim girl and the petitioner, I have come to the conclusion that both had love affair and the victim girl had gone with the petitioner out of her own sweet-will. The Medical Board has assessed the age of the victim girl Surbhi Raj to be 17-18 years. From physical appearance also the victim has been found to be a major and eight months pregnant.

Considering the facts and circumstances and the materials on record as well as the nature of allegations and the materials which has come to fore, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Warisnagar (Mathurapur O.P.) P.S. Case No. 70 of 2018, G.R. No. 593 of 2018.

Considering the nature of allegations, the Medical Board assessing the age of the victim girl to be 17-18 years and that the matter does not involve any public policy, since the allegation is kidnapping the minor daughter of the informant and now both the petitioner and the daughter of the informant are husband and wife and the wife is eight months pregnant, under inherent powers under Section 482 of the Cr.P.C. to prevent abuse of process of the court and to secure the ends of justice, the entire proceedings relating to Warisnagar (Mathurapur O.P.) P.S. Case No. 70 of 2018, G.R. No. 593 of 2018 pending before the court of the learned Chief Judicial Magistrate, Samastipur stands quashed. This order will have effect after release of the petitioner from judicial custody.

Petitioner would be at liberty to approach the In-Charge of Remand Home, Gaighat, Patna for release of his wife Surbhi Raj after his release from judicial custody.

The personal appearance of the In-Charge of Remand Home, Gaighat, Patna, Officer-in-Charge of Alamganj Police



Station and the Superintendent of Jail, Samastipur is dispensed with.

Bail application is allowed accordingly.

(Nilu Agrawal, J)

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