

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13258 of 2020**

Arising Out of PS. Case No.-68 Year-2019 Thana- BARURAJ District- Muzaffarpur

1. Subodh Kumar @ Subodh Kumar Sahni @ Subodh Sahni, son of Late Ram Chandra Sahani Resident of Village - Chaukia, P.S.- Baruraj, Distt - Muzaffarpur.
2. Gopal Sahni Son of Late Bharat Sahni Resident of Village - Chaukia, P.S.- Baruraj, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Pandey  
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      03-03-2020                      The petitioners seek bail in connection with Sessions Trial No. 609 of 2019 pending before learned 7<sup>th</sup> Additional District Judge, Muzaffarpur, arising out of Baruraj P.S. Case No. 68 of 2019 instituted for the offences under Sections 363, 366(A)/34 of the Indian Penal Code.

The petitioner Nos. 1 and 2 are brother and uncle of Ajit Sahni respectively who is alleged to have taken away the daughter of the informant and solemnized marriage with her.



Though the F.I.R declares the victim girl to be a minor but after the recovery of the girl, she has given her statement under Section 164 of the Code of Criminal Procedure in which she disclosed her age to be 18 years. She has further disclosed that of her own volition, she went to Delhi along with aforesaid Ajit Sahni. She also expressed her desire of living with Ajit Sahni as his legally wedded wife. The victim girl also claims to have married aforesaid Ajit Sahni.

There is nothing on record to indicate that petitioners have played any active role in taking away the victim girl.

Apart from this, this Court has been informed by the learned counsel for the petitioners that the victim girl is now pregnant and therefore, there could be no assessment of her age. The case though has been committed to the Court of Sessions, but no witness has been examined as yet.

The petitioner No. 1 is in custody since



25.06.2019 whereas petitioner No. 2 is in custody since 09.08.2019.

Considering the entire set of facts, the petitioners, above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousands) each with sureties of the like amount each to the satisfaction of learned 7<sup>th</sup> Additional District Judge, Muzaffarpur in connection with Sessions Trial No. 609 of 2019, arising out of Baruraj P.S. Case No. 68 of 2019.

Bail shall not be granted if the statement of the counsel for the petitioners that no witness has been examined, is not found to be correct.

In case the Court below grants bail, the petitioners shall be insisted upon for furnishing an undertaking that they shall participate in the trial and shall not absent themselves without appropriate permission from the Trial Court.

In case of any default by the petitioners during trial proceeding, their bails would be liable to be



cancelled for which proceedings shall be initiated by the  
Trial Court forthwith on the default of the petitioners.

**(Ashutosh Kumar, J)**

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