

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21709 of 2020**

Arising Out of PS. Case No.-123 Year-2017 Thana- KATRA District- Muzaffarpur

VIJAY SAHANI Son of Amiri Sahani Resident of Village- Bandhpura Tola
Baingra, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar
For the Opposite Party/s : Mr. Madan Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 12-10-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Madan Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Katra PS case no. 123 of 2017 instituted for the offences punishable under Sections 363, 366(A), 120(B) of Indian Penal Code.

The allegation is regarding the minor daughter of the informant having been kidnapped by the accused persons including the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely



implicated in the present case, is having a clean antecedent and is languishing in custody since 24.02.2020. The learned counsel for the petitioner has referred to the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate and has submitted that the petitioner is only alleged to have assisted in kidnapping, however the main allegation has been levelled against the co-accused person Dinesh Sahani, with whom the marriage of the victim girl was to be solemnized. It is further submitted that the victim girl has infact eloped with the said Dinesh Sahani and solemnized marriage and is leading a happy married life. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.11.2018, passed in Cr. Misc. no. 66957 of 2018.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused person who has already been granted bail by a co-ordinate Bench of this Court apart from the fact that the main accused in the present case is



Dinesh Sahani, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 14th, Muzaffarpur in connection with Katra PS case no. 123 of 2017.

(Mohit Kumar Shah, J)

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