

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82490 of 2019

Arising Out of PS. Case No.-271 Year-2013 Thana- GORAUL District- Vaishali

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BASANT KUMAR Son of Agnu Sahani @ Sobaran Sahni Resident of
Village - Majhauri Pachdahi, P.S.- Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the State : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 01-09-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 420, 366(A), 376/34 of the Indian
Penal Code.

Prosecution case in short is that the informant was married
with Rohan Sahni according to Hindu Rites and customs and
after dissolution of the marriage with her husband, the petitioner
on the pretext of re-marriage took her away and kept in the
house of Chandeshwar Sahni, Shivjee Sahni and Dinesh Sahni.



It is also alleged that said persons also committed rape with her and ultimately she has been left at the Hajipur Railway Station.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 16-09-2019. Charge sheet/Prosecution report in this case has already been submitted. The occurrence is said to have taken place on 25-05-2013. A complaint case was filed on 26-06-2013 and subsequently, FIR was instituted on 07-08-2013 under Section 156(3) Cr.P.C. The delay in instituting the case has not been explained by the prosecution. The allegation of marriage with the petitioner is denied. The complainant happens to be of questionable character. There is no medical examination report on record to support the allegation made in the complaint/FIR.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner, above named, be released on bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul P.S. Case No. 271 of 2013.



Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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