

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14089 of 2021

Arising Out of PS. Case No.-300 Year-2019 Thana- KALYANPUR District- East Champaran

DEEPAK SAHANI Son of Hira Sahani Resident of Village- Bakhari Bairagi
Tola, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP
For the Informant	:	Mr. Krishna Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 366A and 34 of the Indian Penal Code.

As per allegations in the FIR, the 15 year old daughter of the informant was kidnapped by the eight named accused persons including the petitioner herein.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. The petitioner has been falsely implicated in the case. Just two days after the alleged occurrence the daughter of the informant returned and her statement was recorded under



section 164 Cr.P.C wherein she has not made any allegations of misbehaviour by the accused persons nor has she named the petitioner herein. It is submitted that the petitioner is in custody since 28.9.2020 and has no criminal antecedent.

Application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but there is direct allegation against him of having kidnapped the minor daughter of the informant. Her statement was recorded under section 164 Cr.PC wherein she has supported the allegations of kidnapping. The witnesses in paragraph nos. 4, 5 and 6 have supported the case against the petitioner. The medical report in paragraph no. 42 of the case diary estimates her age to be between 15-16 years and charge sheet has been submitted besides other sections under the POCSO Act also.

Having heard learned counsel for the parties and on perusal of the record of the case including the material that has transpired in course of investigation and from the contents of paragraph no.55 of the case diary, it transpires that the daughter of the informant and the petitioner herein were known to each other.



Taking into consideration the daughter of the informant not having taken the name of the petitioner in her statement under section 164 Cr.P.C, investigation in the case having concluded, the Court directs the petitioner to be enlarged on bail in connection with Kalyanpur P.S. Case no. 300 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, POCSO, East Champaran.

(Partha Sarthy, J)

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