

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24433 of 2021

Arising Out of PS. Case No.-305 Year-2020 Thana- SARAI District- Vaishali

ASHARPHI SAHNI Son of Late Kailash Sahni Resident of Village - Paura
Madan Singh, P.S.- Sarai, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-10-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Sarai P.S. Case
No. 305 of 2020 registered for the offence punishable under Sections
363, 366A/34 of the Indian Penal Code and Sections 4/8 of the
POCSO Act.

Allegation against the petitioner is that he in association with
other co-accused is said to have kidnapped the daughter of the
informant.

Learned counsel for the petitioner submits that petitioner has
falsely been implicated in this case and has not committed any
offence as alleged in the FIR. He submits that from the statement of



victim recorded under Section 164 Cr.P.C., it is clear that the informant has wrongly lodged the present case as the victim girl is living in her in-laws house, so there is no question of kidnapping of her daughter. He submits that victim is major one and she got married with the petitioner with her own consent and living with him, so no case is made out under sections as alleged in present F.I.R. He further submits that similarly situated co-accused person has been granted bail *vide* order dated 14.07.2021 passed in Cr. Misc. No. 18011 of 2021 by a Co-ordinate Bench of this Court. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has one criminal antecedent as has been mentioned in para 3 of this bail application and has been languishing in custody since 08.02.2021.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Sarai P.S. Case No. 305 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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