

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23638 of 2020

Arising Out of PS. Case No.-45 Year-2019 Thana- MAHILA P.S District- West Champaran

BITU SAHANI @ BITU KUMAR S/o Raju Sahani Resident of Village-
Naraiyana Ghat, P.S.-Bagaha (Pathkhauli), District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Kumar, Adv.

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 19-01-2021 Heard learned counsel for the petitioner and Ms.
Sharda Kumari, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Bagaha Mahila P.S. Case No.45 of 2019 registered for the offences punishable under Sections 366/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the victim girl is said to be major and has returned back after five days of the alleged occurrence and made statement that she had gone to the house of maternal uncle and nobody had kidnapped her. It is submitted that the matter has been compromised between the parties and an affidavit to this effect has been filed in the court below.



Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the victim girl is said to be major and has returned back after five days of the alleged occurrence and made statement that she had gone to the house of maternal uncle and nobody had kidnapped her, there being no other material pointed out to this Court from the case diary by learned APP for the State and there is an affidavit to this effect showing that the parties do not have any grievance against each other, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Bagaha Mahila P.S. Case No.45 of 2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bagaha, West Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

