

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36614 of 2020

Arising Out of PS. Case No.-87 Year-2019 Thana- UJIYARPUR District- Samastipur

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Dharmendra Sahni @ Dharmendra Kumar Sahni, Male aged about 22 years,
Son of Ramvrish Sahni @ Ram Vriksh Sahni, Resident of Village - Lohagir
Malikana, PS - Ujiyarpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate
For the State : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Suneil Kumar Thakur, learned counsel for the petitioner and Mr. Ajay Kumar Jha, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Ujiyarpur PS Case No. 87 of 2019 dated 12.05.2019, instituted under Sections 376/34 of the Indian Penal Code.

4. The allegation against the petitioner and others is of abduction of the informant and physical abuse.

5. On 01.07.2021, the Court had recorded the following submission of learned counsel for the petitioner:



“5. Learned counsel for the petitioner submitted that he is the neighbour of the husband of the girl, as she was a married woman, and the cousin of the petitioner, co-accused Shravan Kumar Sahani, had developed relationship with her and both of them had run away, but when the girl was recovered, she was made to file the complaint case and also get her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the ‘Code’) against all the accused, including the petitioner, just to save the honour and dignity and marriage of the girl. It was submitted that though the abduction is said to have taken place in the intervening night of 20/21.01.2019, but the complaint case was filed only on 23.02.2019 whereas in the complaint she has stated that she returned on the very next day, but still no police case was lodged and even the complaint case has been lodged after more than one month of the occurrence. Learned counsel drew the attention of the Court to certain photographs which have been brought on record as Annexure-2 series in the present petition, which indicates that there was close relationship between the cousin brother of the petitioner and the informant and that they had married also, but upon return of the girl, this false case has been instituted.”

6. Thereafter, the following exercise was directed:

“8. Having considered the matter, let learned APP get a report from the Superintendent of Police, Samastipur as to whether photographs which have been brought on record are genuine and authentic. For such purpose, the petitioner or any member of his family, shall, within ten days from today, produce such photographs before the Superintendent of Police, Samastipur. Upon the same being done, the Superintendent of Police, Samastipur shall get the same verified with regard to their genuineness and authenticity from the concerned expert. A report shall be submitted to the Court latest by 7th August, 2021



and the matter be listed on 12th August, 2021, among the top five cases.”

7. Today, learned APP submitted that the report of the Superintendent of Police, Samastipur dated 06.08.2021, has been forwarded to him and he has also filed it before the Court.

8. Perusal of the same discloses that the photographs, showing the victim with his cousin, namely, Shravan Sahani showing them to be married and there being very harmonious relationship between them, upon forensic examination, have been found to be genuine without any editing or morphing.

9. In the aforesaid background, the Court finds substance in the contention of learned counsel for the petitioner. From the photographs, it appears that the informant is not under any duress and is with a boy who is said to be the cousin of the petitioner and there does not appear to be any indication of such photographs having been taken under duress or coercion. Such being the position, the Court finds that the allegations made in the FIR indicate that the petitioner may not be involved in any wrong doing. Thus, the Court is inclined to grant pre-arrest bail to the petitioner.

10. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/-



(twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Dalsingsarai, District-Samastipur in Ujiyarpur PS Case No. 87 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall co-operate with the Court and police/prosecution. Failure to co-operate shall lead to cancellation of his bail bonds.

11. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

12. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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