

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32830 of 2020

Arising Out of PS Case No.-44 Year-2019 Thana- SONBARSA District- Sitamarhi

Raj Kumar Sahni, aged about 23 years, Male Son of Late Ram Ekbal Sahni,
Resident of Village- Khushnagri, PS- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the State : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 23-03-2021

Heard Mr. Uday Kumar, learned counsel for the petitioner and Mr. Lakshmi Kant Sharma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Sonbarsa PS Case No. 44 of 2019 dated 07.02.2019, instituted under Sections 363 and 366A/34 of the Indian Penal Code.

3. The allegation against the petitioner is that he, along with others, had abducted the minor daughter of the informant.

4. Learned counsel for the petitioner submitted that he has been falsely implicated in the case as no abduction took place. It was submitted that no material has come against him to indicate



that he committed any wrong doing with the girl. Learned counsel drew the attention of the Court to Annexure-2, which is copy of the statement recorded before the Court by the girl under Section 164 of the Code of Criminal Procedure, 1973, in which she has stated that because of beating by the mother, she had lost her mind and has herself gone away and was not stolen (abducted). Learned counsel submitted that the petitioner has no criminal antecedent and has been falsely implicated.

5. Learned APP submitted that the girl was a minor and that the petitioner had taken her away. However, he could not controvert the statement of the girl which only states that she herself had gone away and was not abducted.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, 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 ACJM 4th Sitamarhi, District- Sitamarhi in Sonbarsa PS Case No. 44 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) the petitioner shall co-operate with the police/prosecution and the Court. Failure to co-operate shall lead to cancellation of his bail bonds.

7. 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.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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