

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35507 of 2020

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

Sonu Sahani @ Sonu Kumar, Male, aged about 22 years, Son of Surendra Sahani, resident of Village- Tikuliya, PS- Pipra, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma with Ms. Rashmi Jha, Advocates
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Umesh Chandra Verma, learned counsel along with Ms. Rashmi Jha, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (APP) for the State is present.

3. The petitioner apprehends arrest in connection with Kalyanpur PS Case No. 300 of 2019 dated 16.11.2019, instituted under Sections 363 and 366A/34 of the Indian Penal Code.

4. The allegation against the petitioner and others is of abducting the daughter of the informant.

5. Learned counsel for the petitioner submitted that eight persons, including the petitioner, have been named in the



FIR but there is no description as to from where the informant came to know about the involvement of the accused. Learned counsel submitted that the girl after returning has got her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 in which, though she has taken the name of the petitioner as one of the persons who had taken her on motorcycle and thereafter she was put in a vehicle after being blindfolded and her hands tied and thereafter being left in the village at 2 o' clock at midnight, but no wrong act or any other specific overt act is alleged against him. It was further submitted that the girl has stated that she did not recognize the petitioner and only because his name was being taken, she has named him, though the informant, who is the mother of the girl, has named the petitioner, which shows that there is false implication. Learned counsel submitted that as per the FIR also it is co-accused Dipak Sahani who is said to be the main person as it is alleged that he had the intention of marrying the girl and the petitioner has no interest or role in the matter. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the statement of the girl before the Court is clear to indicate that the petitioner is the only person who has been repeatedly named and it is stated that he was



one of the persons who had taken the girl on the motorcycle and thereafter also only his name has been taken in the subsequent events of putting her in the vehicle, blindfolding her, tying her hands and thereafter leaving her in the middle of the village at 2 o’ clock in the night. Thus, it was submitted that there is no occasion for the girl to be so categorical about the petitioner if at all he had no role in the entire episode and he does not deserve any indulgence.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, in view of submission of learned counsel for the petitioner, it is observed that if the petitioner appears before the Court below and prays for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

