

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1340 of 2021

Arising Out of PS. Case No.-247 Year-2020 Thana- SARAI District- Vaishali

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1. Sonphi Sahani @ Sonphi Lal Sahani, S/O Kailash Sahani, Village-Paura P.S.Sarai, District- Vaishali.
 2. Kanti Devi, W/O Sonphi Sahani @ Sanphi Lal Sahani, Village-Paura P.S.Sarai, District- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kanchan Kumari, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-12-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Mritunjay Kumar Nirala, learned A.P.P. for the State.

Petitioners in the present case are the uncle and aunt of the co-accused Suraj Kumar seeking pre-arrest bail in connection with Sarai P.S. Case No. 247 of 2020 registered for the offence punishable under Section 363, 366(a) and 34 along with 4/8 of the POCSO Act. Petitioners have got no criminal antecedent.

As per the allegations, it is the co-accused Suraj



Kumar who had taken away the victim girl.

Learned counsel for the petitioners submits that from the F.I.R. itself it would appear that the informant was told that Suraj Kumar has solemnized marriage with the daughter of the informant, however, the informant alleged that his minor daughter has been kidnapped with an intention to marry.

Learned counsel submits that so far as these two petitioners are concerned, the allegations against them is that they had also abused the informant and told that Suraj Kumar has solemnized the marriage with the daughter of the informant and the informant should do whatsoever he likes.

It is further submitted that in the impugned order the learned court below has recorded the submission that Suraj Kumar and the victim girl have solemnized the marriage.

Learned counsel further submits that the mother of the said boy Suraj Kumar has been granted privilege of anticipatory bail in Cr. Misc. No. 7278 of 2021.

Mr. Mritunjay Kumar Nirala, learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners but considering the kind of relationship of these petitioners and that there is no specific allegation against them that they had in any way been instrumental in kidnapping of the



victim girl, this Court directs the petitioners above-named in the event of their arrest or surrender within four weeks from today be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court POCSO-cum-ADJ VI, Vaishali at Hajipur in connection with Sarai P.S. Case No. 247 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

vats/-

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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'.

