

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12181 of 2021

Arising Out of PS. Case No.-160 Year-2019 Thana- MAJHAULIA District- West Champaran

1. Raja Sahni @ Raja Kumar S/O Poshan Sahni R/O Village-Jaukatiya (BARA Malahi Tola), P.S-Majhauriya, District-West Champaran.
2. Sunil Kumar Sahni @ Sunil Kumar S/O Poshan Sahni R/O Village-Jaukatiya (BARA Malahi Tola), P.S-Majhauriya, District-West Champaran.
3. Poshan Sahni S/O Gagan Sahni R/O Village-Jaukatiya (BARA Malahi Tola), P.S-Majhauriya, District-West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Yadav, Advocate
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in connection with Majhauria P.S. case No.160 of 2019 registered



under Sections 366(A), 34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioner kidnapped the daughter of the informant.

It has been submitted on behalf of the petitioners that the petitioner Nos.2 and 3 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The victim has been recovered. Her statement under Section 164 of Cr.P.C. has been recorded, where she has stated that she had left the house out of her own will and got married to petitioner No.1 Raja Sahni @ Raja Kumar. The matter has been resolved between the parties vide Annexure 3 to the present application and the informant does not want to pursue with the case.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the



present situation which has arisen due to the sudden rise in covid cases.

Considering the facts and circumstances, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Special Judge, POCSO-cum-A.D.J. VI, West Champaran at Bettiah in connection with Majhaulia P.S. case No.160 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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