

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7907 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- SUPPI District- Sitamarhi

Manish Kumar Son of Bijendra Sahni @ Virendra Sahni R/o Village-
Ramnagra, P.S.- Suppi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Suppi P.S. Case No. 114 of 2021 registered for
the alleged offences under Sections 363, 366A and 34 of the
Indian Penal Code and Sections 4 and 8 of POCSO Act.

As per prosecution case, informant gave a written
report about the petitioner and other co-accused persons forcibly
taking away his daughter when she went to attend the call of the
nature with her mother. The informant further alleged that his
daughter was kidnapped with intention of marriage.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The occurrence took place on 05.06.2021 in presence of the wife of the informant, but the FIR was lodged on 20.06.2021 and there is no explanation for this delay as no one prevented the informant for instituting the case which was seen by his wife. Learned counsel further submits that on 06.08.2021 the Investigating Officer recovered the victim girl and her statement was recorded under Section 164 Cr.P.C. and thereafter on 08.08.2021, another statement was recorded by the police under Section 161 Cr.P.C. The medical examination was conducted on the same day. Learned counsel further submits that the victim in her statement recorded under Section 164 Cr.P.C. stated that she solemnized marriage with the petitioner two months back and had been living in her matrimonial home with the petitioner. She was not kidnapped by anyone and no one did any wrong act with her. Learned counsel further submits that the victim girl was never kidnapped and in fact she was married on 02.05.2021 with one Dharmendra Kumar Sahni against her will. Since, it was a forced marriage she went with the petitioner on her own. The petitioner is in custody since 06.08.2021 and charge sheet has already been submitted.

Learned APP opposes the prayer for bail submitting



that the specific allegation against the petitioner and others is of kidnapping the daughter of the informant with the purposes of marriage.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl whose age was assessed to be 19 years by the learned Judicial Magistrate and further considering the period of the custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-cum-Special Judge, Sitamarhi in connection with Suppi P.S. Case No. 114 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

himanshu/-

U		T	
---	--	---	--

