

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44155 of 2022

Arising Out of PS. Case No.-44 Year-2020 Thana- KALYANPUR District- East Champaran

Munna Sahani Son Of Prabhu Sahani R/O Village- Bhagwatpur, P.S.- Paru,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Kalyanpur P.S. Case No. 44 of 2020 registered for the offence
under Sections 363, 366(A) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.05.2022.

The allegation against the petitioner is to kidnap the
daughter of the informant, along with other co-accused persons,
for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner has falsely implicated in this case due to local dispute and differences. It is submitted that thrust of allegation is available against co-accused, Keshwar Sahani, who has been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 2627 of 2021 vide order dated 26.07.2021. It is further submitted that petitioner is brother-in-law of main co-accused, Keshwar Sahani, about whom nothing incriminating narrated by the victim while recording her statement as recorded under Section 164 of the Cr.P.C. and even from the bare perusal of the FIR, the only allegation is of conspiracy, as surfaced against this petitioner. While concluding the argument, it is submitted that, petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of kidnapping and sexual assault is not available against this petitioner as per statement of victim as recorded under Section 164 of the Cr.P.C., where petitioner is a man of clean antecedent coupled with the fact that charge-sheet



has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kalyanpur P.S. Case No. 44 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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