

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9994 of 2021

Arising Out of PS. Case No.-38 Year-2020 Thana- BUDHUCHAK District- Bhagalpur

1. RAJESH SAHNI Son of Ramesh Sahni Resident of Village - Bhola Tola, Police Station - Budhuchak, District - Bhagalpur.
2. SHIV RAJ KUMAR Son of Shailesh Sahani @ Sahlendra Sahni Resident of Village - Bhola Tola, Police Station - Budhuchak, District - Bhagalpur.
3. KUMOD KUMAR Son of Shailesh Sahani @ Sahlendra Sahni Resident of Village - Bhola Tola, Police Station - Budhuchak, District - Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-01-2022 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 defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 366(A), 376, 323, 341, 504, 506/34 of the Indian Penal Code and section 4 of POCSO Act.



The prosecution allegation, in short, is that the accused persons kidnapped the victim and one of the accused solemnized marriage with the victim.

It has been submitted on behalf of the petitioners that the petitioners 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 just because they happened to be brothers of the main accused. The main allegation is against the co-accused Vikas Kumar Sahni who abducted the victim and took her with an intention to marry her and subsequently established physical relationship with her. From perusal of Annexure-4 (medical examination report of the victim), it appears that there is no sign of commission of rape on the victim. The victim has already been recovered. There was a love affair between the co-accused Vikas Kumar Sahani and the victim.

On behalf of the State, it is submitted that the petitioners are named in the 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 aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Special Judge, (POCSO)-cum-Additional Sessions Judge-VII, Bhagalpur in connection with Budhuchak P.S. Case No. 38 of 2020 corresponding to POCSO Case No. 62 of 2020, 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) each 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)

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