

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54823 of 2022**

Arising Out of PS. Case No.-241 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

Sahanwaj @ Sahanwaj Darji, son of Md. Ansari Darji Resident of Village-
Baligardh, P.S.- Runni Saidpur, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to re-
move all the defects as pointed out by the Stamp Reporter
within two weeks.

Heard learned counsel for the petitioner and Mr. Bra-
jendra Nath Pandey, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Runni Saidpur P.S. Case No. 241 of 2022
registered for the offences punishable under Section 366(A)/34
of the Indian Penal Code and Section 8 of the POCSO Act. He is
in custody since 14.05.2022. He has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant namely Naveen Jha submit-
ted that on 10.05.2022, at about 05:00 P.M., minor girl of the in-
formant was kidnapped by Sahanwaj Darji (petitioner), Sahjad



darji, Imtaj Darji and Md. Ansari Darji in order to drag her in prostitution or other illegal works.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is in custody since 14.05.2022 having no criminal antecedent.

Learned counsel submits that the victim girl in her 164 Cr.P.C. statement stated that no one has kidnapped her.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the victim has made statement under Section 164 Cr.P.C. wherein she has stated that she was not kidnapped by anyone and she had not supported prosecution case and there being a specific statement to this effect, the petitioner is in custody since 14.05.2022 and investigation against him is complete, there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial or otherwise his presence cannot be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two



sureties of the like amount each to the satisfaction of learned Additional District Judge, VI-cum Special Judge (POCSO), Sitamarhi in connection with Runni Saidpur P.S. Case No. 241 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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

The application stands allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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