

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72350 of 2021

Arising Out of PS. Case No.-235 Year-2021 Thana- LAURIA District- West Champaran

Rabindra Sahani Son of Bhikham Sahani Resident of Village- Baswariya
Devraj Police Station Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 06-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Lauriya
P.S. Case No. 235/2021 registered for the offences punishable
under Sections 363, 366(A)/34 of the Indian Penal Code and
Section 8 of the Protection of Children from Sexual Offences
Act (POCSO).

As per prosecution case, the informant was living
with two girls at her house and she alongwith her children was
taking sleep on 22.09.2021 in the meanwhile at 11.30 pm, she
heard sound at her door and then she came outside of his house,
then Sarwar Sah said that Sandeep Sahani son of petitioner,



Ravindra Sahani had taken away her daughter Sabiha Khatoon, aged about 16 years forcibly despite of chase by him. The informant was not found Sabiha Khatoon in her house and thereafter, she alongwith others came to the house of Sandeep Sahani, where his father petitioner, Ravindra Sahani demanded two days time for handing over the girl. After two days the family member of the informant came to the house of petitioner where petitioner and others came at the door and started abusing and committing “Mar-Pit” saying that they will not search the girl of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that as per FIR, it would appear that the main allegation for taking away the daughter of the informant against co-accused, Sandeep Sahani, son of the petitioner and at that time the petitioner was not in any manner involved. In second part of the FIR, it is said that this petitioner had given assurance for handing over the daughter of the informant. During course of investigation the victim came and appeared before the police and got her statement recorded, in which she stated that she left her house with Sandeep Sahani on her own choice. The victim has not made any allegation against the



petitioner. No case under Section 366(A) of the I.P.C. as well as Section 8 of the POCSO Act is made out against the petitioner. The petitioner is languishing in custody since 30.09.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, statement of victim recorded under Section 164 Cr.P.C. in which she denying the involvement of present petitioner, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-7th cum Special Judge, POCSO, Bettiah, District-West Champaran, in connection with Lauriya P.S. Case No. 235/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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