

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4344 of 2023

Arising Out of PS. Case No.-61 Year-2022 Thana- KESARIA District- East Champaran

1. MANOJ SAHANI @ MANOJ KUMAR SON OF BHAGWAN SAHANI
R/O VILL.- KONHAIYA, P.S.- KESARIYA, DISTT.- EAST
CHAMPARAN
2. SANJAY KUMAR SAHANI SON OF BHAGWAN SAHANI R/O VILL.-
KONHAIYA, P.S.- KESARIYA, DISTT.- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioners and learned
Addl. Public Prosecutor.

The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 363, 366A, 34 of the Indian Penal Code and Section 8 of the POCSO Act.

Allegation in the F.I.R. is of kidnapping informant's daughter by F.I.R. named accused persons including these petitioners.

It is submitted on behalf of petitioners that from perusal of the F.I.R., it is apparent that informant is no eye-witness to the occurrence and it is not mentioned in the F.I.R. that how the informant came to know the name of petitioner and



others. It is next submitted that prior to lodging of the present case, the informant had twice lodged F.I.R. for kidnapping of her daughter against petitioners and others, vide Kesariya P.S. Case No. 466 of 2018 u/s 363, 365, 366A of the IPC and Kesariya P.S. Case No. 300 of 2021 u/s 363, 366A, 34 of the IPC. It is further submitted that after recovery of informant's daughter, her statement under Section 164 Cr.P.C. was recorded wherein victim has categorically stated that she fled away with co-accused Arvind Kumar Sahni and thereafter solemnised marriage with him. The age of the victim has been assessed as 19 years.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge POCS Act, Motihari, East Champaran in connection with Kesariya P.S. Case No. 61 of 2022, subject to condition as laid down under Section 438(2) of the Code of



Criminal Procedure.

(Prabhat Kumar Singh, J)

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