

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14106 of 2023**

Arising Out of PS. Case No.-43 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

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Rakesh Kumar Sahani @ Rakesh Kumar Son Of Rameshwar Sahani R/O
Village- Jhakhra, Uprawohi, P.S.- Pipra Kothi, District- East Champaran,
Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-05-2023 Heard learned counsel for the petitioner and the

learned APP for the State

The petitioner apprehends his arrest in connection
with Dumariya Ghat P.S. Case No.43 of 2020 instituted under
Sections 363, 366A,34 of the IPC and 8 POCSO Act lodged on
16.03.2020 by the informant Lal Babu Sahni.

As per the prosecution story, when the informant
returned after selling fish, he saw at his sister aged about 17
years is not present in house. Thereafter search was made but
she could not be found and later it turned out that the distant
relative kidnapped his sister under conspiracy with the help of
his family members. Accordingly, the FIR.

Pursuant to the last order dated 23.05.2023, the victim
girl 'X' (as she was minor at the time of occurrence, the name is



being withheld) has since appeared before the Court. The lady (now major) claimed that she has married Rakesh Kumar and showed her desire to live with the petitioner herein. She claimed to be living with him since last couple of years. She has have a child out of the said wedlock aged about 2 years who is also present in the Court.

The date of birth of the victim girl 'X' is 05.06.2003 and the date of occurrence is 16.03.2020 and as such as per the Aadhar Card provided by the lady, she was minor (17 years a months) at the time of occurrence. (the photocopy of her 'Aadhar Card' duly signed by her has been kept on record)

However, taking into account the aforesaid development that has taken place in between and a child has come out of the said wedlock and the lady continues to be living with him, this Court is inclined to extend the relief of anticipatory bail to the petitioner with the conditions:

(i) the petitioner will make himself available to the police as and when required in course of investigation if it is still continuing;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(iii) the petitioner shall appear in Trial on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself.

With the aforesaid observation, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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