

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17484 of 2023

Arising Out of PS. Case No.-66 Year-2022 Thana- PIPRAKOTHI District- East Champaran

RAMESH KUMAR @ RAMESH KUMAR SAHNI S/O LATE BHANGI
SAHNI Resident of Village- Ramgarh Mahuawa, P.S.- Pipra Kothi, District-
East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mrs. Usha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Pipra Kothi P.S. Case No. 66 of 2022 for the offence registered under sections 504, 506, 363, 366(A) and 34 of the Indian Penal Code, section 3(1)(r)(s) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act and sections 8/12 of the POCSO Act lodged on 07.03.2022 by the informant, Shanti Devi.

The prosecution story, in brief, is as follows:-

(i) It is alleged that on 25.02.2022 the minor girl of the informant was going to Coaching and in the way near High School, School, Ramgarh, Mahuawa, Ramesh Kumar Sahni (petitioner) abducted her.



(ii) the further allegation is that when the informant went to the house of the petitioner to enquire about the matter, the family members abused and pushed the informant out of house. As the informant failed to locate her daughter, after the delay, the FIR was lodged.

With the help of paragraph 6, 7 and 9 of the petition, it has been stated that the victim girl after recording in her statement under section 164 of the Cr.P.C. on 27.02.2022 narrated that she has solemnized marriage with the petitioner herein. Further, she was examined and the Doctor found her age to be 18 years, this Court is inclined to extend him privilege of anticipatory bail. However, if it is found that the statements made in paragraphs 6, 7 and 9 of the petition are false, the order shall become infructuous.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with (Motihari) Pipra Kothi P.S. Case No. 66 of 2022 subject to condition as laid down under Section



438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear 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 his bail bond by the Trial court itself;

(iii) 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;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

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

(Rajiv Roy, J)

Jagdish/Neha/-

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