

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33456 of 2022

Arising Out of PS. Case No.-475 Year-2021 Thana- SARAIYA District- Muzaffarpur

Sanjay Sahani S/O Late Lagan Sahani R/O Village- Akhtiyarpur, P.S.- Karja,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 17-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Saraiya P.S. Case No. 475 of 2021 registered for the offences punishable under Sections 365 and 366/34 of the Indian Penal Code.

As per the prosecution, the informant's daughter and grand daughter were abducted by this petitioner and other co-accused persons.

The main submissions advanced by learned counsel Mr. Sanjay Kumar @ S.K., appearing for the petitioner are that the



FIR of the present matter was lodged after the delay of 14 days from the date of alleged occurrence, petitioner is full brother of of the deceased husband of victim (Sumita Devi @ Sumitra Devi) and one, late Lagan Sahni was father of five sons including the petitioner and husband of the said victim and after the death of her husband, victim, started residing at her parents' house and thereafter she sold the ancestral joint property of late Lagan Sahani on 08.09.2020 without the consent of her matrimonial family, which was objected by the petitioner and his family members and thereafter the present matter was lodged after in-ordinate delay of 14 days and the most important material going against the prosecution is that both the so-called victims themselves appeared before the police and they were not recovered by the police. Further submission is that the petitioner has been languishing in jail since 27.03.2022 and he has fair and clean antecedent.

Learned APP Ms. Shaheen Begum, appearing for the State has opposed the prayer for bail and submitted that as per the victim's statement recorded before Judicial Magistrate, there is a serious allegation against the petitioner.

In view of the facts, as stated above and mainly considering the above-mentioned matrimonial dispute between



the so-called victim and petitioner's family, particularly with regard to transfer of the ancestral land and also the fact that after commission of the alleged occurrence both the victims themselves appeared before the police and they were not recovered by the police and the petitioner has fair and clean antecedent and has been languishing in jail since 27.03.2022, in the opinion of this Court the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Saraiya P.S. Case No. 475 of 2021.

(Shailendra Singh, J.)

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