

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35452 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- PIPRAKOTHI District- East Champaran

NAWAL SAHANI @ KALU SON OF SURESH SAHANI R/O- VILL-
FURSATPUR BAIRIYA, P.S.- MUFFASIL MOTIHARI, DIST.- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Piprakothi P.S. Case No. 60 of 2022 for the offence registered under Sections 363, 366A and 34 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

The allegation is regarding the informant having found her daughter missing on 25.02.2022 and upon search it transpired that the petitioner along with his family members had kidnapped the minor victim girl with the intention of solemnizing her marriage with the petitioner.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 24.03.2022. The learned counsel for the petitioner has further submitted that a bare perusal of the statement made by the victim girl under Section 164 Cr.P.C., would show that the victim girl herself had voluntarily eloped with the petitioner to Tamilnadu, where she had solemnized marriage with him and in fact she has also stated that she wishes to stay with her husband i.e. the petitioner herein, hence, it is submitted that the petitioner is having no complicity in the alleged occurrence.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted, by referring to the statement made by the victim girl under Section 164 Cr.P.C. that her age has been recorded as 15 years and, apart from the said fact, the Investigation Officer has also produced a school identity card of the victim girl which bears her date of birth as 15.03.2007,



hence apparently the victim girl is a minor and, therefore, her consent for marriage would be of no value, thus the petitioner does not deserve to be enlarged on bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those contained in the case diary, this Court finds that admittedly the victim girl is a minor and she was enticed by the petitioner, whereafter the petitioner had solemnized marriage with her as is also apparent from the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, hence the petitioner is *prima facie* guilty of the offences as alleged, thus, this Court is not inclined bail to the petitioner, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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