

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40866 of 2023

Arising Out of PS. Case No.-114 Year-2022 Thana- PATAHI District- East Champaran

Shri Ram Sahni, Son of Chhathu Sahni, Residents of Village- Parsauni Kapur,
P.S.- Patahi, Distt- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner in the present case is seeking pre-arrest bail in connection with Patahi P.S. Case No. 114 of 2022 registered for the offences under Sections 363, 366, 34 of the Indian Penal Code. He has one criminal antecedent.

3. As per the prosecution story, on 03.06.2022 the informant lodged an FIR alleging that on 20.05.2022 at about 08:0 P.M. her daughter went from her house to attend the nature call but did not return after a while. On search, the informant came to know that the petitioner along with other FIR named accused persons kidnapped the daughter of the informant. When she went to Shri Ram Sahni (this petitioner), he assured the informant to return her daughter within 2-3 days. It is further alleged that the informant's daughter was kidnapped with an



intention to marry her with this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the daughter of the informant has willingly married this petitioner and they are living happily.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein for the alleged occurrence of kidnapping of the daughter of the informant on 20.05.2022, the present FIR has been lodged on 03.06.2022, the victim-girl has appeared and made her statement under Section 164 Cr.P.C. that she has married with the petitioner because her parents were planning to sell her, the date of birth of the informant as per school certificate is 20.06.2004 and the occurrence is of 20.05.2022 showing that she was a little less (30 days approximately) than 18 years, considering the circumstances including the socio-economic factor revealed in the statement of the victim-girl, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail in connection with Patahi P.S. Case No. 114 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, VII -cum- Special Judge, POCSO Act, East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that at the time of submission of the bail bond, the victim-girl, who is said to be wife of the petitioner now, must appear and confirm that she has married the petitioner and is living happily with him.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

lekhi/-

U		T	
---	--	---	--

