

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41209 of 2022**

Arising Out of PS. Case No.-259 Year-2018 Thana- BOCHAHAN District- Muzaffarpur

RAKESH SAHANI Son of Santoo Sahni Resident of Village - Bhagwanpur
Dharna, P.s.- Bochahan, Distt.- Muzaffarpur. (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar,Adv.

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 11-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Bochahan P.S. Case No. 259 of 2018, registered for the offences punishable under Sections 365/ 366/ 34 of the Indian Penal Code.

The allegation levelled by the informant is regarding the petitioner and other accused persons having kidnapped the victim lady, who is the wife of the informant along with her eight



month old daughter.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 17.09.2021. The learned counsel for the petitioner has referred to the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate to submit that though it has been alleged that the petitioner had taken away the victim lady to Delhi and had kept her there for eight days, but neither the victim lady has alleged any untoward incident to have been committed by the petitioner nor it has been alleged that the petitioner had ever obstructed her from going back to her home. It is also submitted that the victim lady is a major having a child, hence, in case, she was being taken forcibly to Delhi by the petitioner, she could obviously have raised an alarm, but she did not do so, which depicts that the petitioner had not forcibly taken the



victim lady to Delhi and in fact the alleged occurrence had never taken place.

Per contra, the learned APP for the State has vehemently opposed the prayer for 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 available in the case diary, this Court finds that prima facie, the occurrence/act in question, at best can be stated to be consensual in nature, however, the victim lady has not alleged any untoward incident to have been committed by the petitioner qua her, hence I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-I Class, Muzaffarpur in



connection with Bochahan P.S. Case No. 259 of
2018.

(Mohit Kumar Shah, J)

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