

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51992 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- BUDHUCHAK District- Bhagalpur

Sunil Sahni S/O Dhaneshwar Sahni R/O Village- Gaughatta, P.S-
Buddhuchak, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Yadav

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363, 366A, 354, 504, 506 and 34 of the Indian Penal Code and Section 08 of the POCSO Act.

3. Allegation against the petitioner is that he abducted the daughter of the informant for the purpose of marriage with the help of co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The victim was recovered and her statement was recorded under Section 161 of the Cr.P.C. in which she has not whispered any complicity of the petitioner



whereas in the statement of 164 of the Cr.P.C., she stated that this petitioner took away her without her consent. It is further submitted that the medical report of the victim does not corroborate with the prosecution version as there is no evidence of rape. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 27.02.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kahalgaon (Buddhachak) P.S. Case No. 05 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO cum 7th Additional District and Sessions Judge, Bhagalpur.

(Sunil Kumar Panwar, J)

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