

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50397 of 2023

Arising Out of PS. Case No.-91 Year-2023 Thana- SUGAULI District- East Champaran

1. Sachin Kumar S/O Motilal Sahani R/O Village- Khodha, Ps. Sugauli, Dist. East Champaran
2. Dhum Sahani @ Dhum Kumar S/O Achchhelal Sahani R/O Village- Khodha, Ps. Sugauli, Dist. East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 05.03.2023 in connection with Sugauli P.S. Case No. 91 of 2023, F.I.R. dated 04.03.2023 for the offences punishable under Sections 363, 366(A), 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. According to prosecution case, all the accused persons including these petitioners have kidnapped the sister and cousin sister of the informant with an intention to kill them.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case merely on the ground that the petitioners are family members of the co-accused persons, namely, Shyambabu Sahani and Bhim Sahani. He further submits that from perusal of the F.I.R it appears that there is no specific allegation against these petitioners rather is general and omnibus allegation against all the accused persons including these petitioners that they have kidnapped the sister and cousin sister of the informant. He further submits that it has come during investigation in paragraph nos. 5, 29 and 30 of the case diary that the victim no. 1 eloped with the brother of the petitioner no. 1, namely, Shyambabu Sahani and victim no. 2 eloped with the brother of the petitioner no. 2, namely, Bhim Sahani and there is no acquisition that the petitioners were involved in this occurrence. He further submits that nothing has come during investigation to suggest the involvement of these petitioners in the present occurrence and it appears that the petitioners were apprehended by the informant's side and they were handed over to the police by them. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 05.03.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and



submits that it has come during investigation that these petitioners were also involved in the present occurrence and victims are still traceless.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail **after framing of charge, if not framed** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge cum Special Judge POCSO Act, East Champaran at Motihari in connection with Sugauli P.S. Case No. 91 of 2023, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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