

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56651 of 2022

Arising Out of PS. Case No.-441 Year-2020 Thana- MINAPUR District- Muzaffarpur

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ARJUN KUMAR SAHNI @ ARJUN SAHNI S/o- Ram Chandra Sahni R/o
Village- Chand Perna, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
01.05.2022 in connection with Minapur P.S. Case No. 441 of
2020, F.I.R. dated 15.11.2020 registered for the offence
punishable under Sections 366(A)/34 of the Indian Penal Code.

The prosecution case, in short, is that on 14.11.2020,
accused persons including the petitioner are alleged to have
kidnapped the daughter (the victim) of the informant for the
purpose of her marriage.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Further submits that in fact the petitioner is named in the
FIR but there is no accusation of any assault, overt-act or



committing rape upon the victim. Further submits that the victim was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has categorically stated that co-accused Dipak Kumar has committed rape upon her. Further submits that except the involvement of the petitioner in the present occurrence, nothing has come against the petitioner. Further submits that co-accused, namely, Ravindra Kumar has been granted bail vide order dated 29.11.2021 passed in Cr. Misc. No. 22543 of 2021 by a Coordinate Bench of this Hon'ble Court and the case of the petitioner is on similar footing and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 01.05.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid fact, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Muzaffarpur in connection with Minapur P.S. Case No. 441 of 2020, with the following conditions:-



(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

(Rajesh Kumar Verma, J)

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