

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60403 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- DARPA District- East Champaran

1. Chandu Sahani, aged about 26 years (male) son of Rajdev Sahani,
 2. Manju Sahani, aged about 22 years (female) wife of Rajdev Sahani,
 3. Rajdev Sahani, aged about 56 years (male) son of Ramjot Sahani,
 4. Asha Devi, aged about 50 years (female) wife of Rajdev Sahani,
 5. Vikash Sahani, aged about 19 years (male) son of Hiranman Sahani,
All resident of Village- Bagahi, P.S.- Darpa, Distt.- East Champaran.
 6. Rajesh Sahani, aged about 45 years (male), son of late Rajban Sahani,
 7. Babita Devi, aged about 40 years (female), wife of Rajesh Sahani,
Both resident of Village- Tinkoni, P.S.- Darpa, Distt.- East Champaran.
 8. Satender Sahani, aged about 30 years (male), son of Kamlesh Sahani,
resident of Village- Pachpokharia, P.S.- Mahuawa, Distt.- East Champaran.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Darpa PS Case No.72 of 2022 dated 06.06.2022, instituted
under Sections 363, 366-A of the Indian Penal Code and Section
8 of the Protection of Children from Sexual Offences Act.

3. The prosecution case, in short, is that the minor
daughter of the informant had gone to attend call of nature but



she did not return. On search, the informant came to know that she was seen going towards the village of co-accused, Mithilesh Sahani. Thereafter, the informant visited the house of Mithilesh Sahani, but he was rebuked and forced to leave the place. The informant alleged that her daughter has been kidnapped by the accused persons for the purpose of her marriage with Mithilesh Sahani.

4. Learned counsel for the petitioners submits that the they are innocent and have been falsely implicated in this case. There was love affairs between Mithilesh Sahani and the daughter of the informant. The victim girl eloped with Mithilesh Sahani and performed marriage with him. It is further submitted that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has stated that out of her own sweet will she had eloped from her house with Mithilesh Sahani and has performed marriage with him. She has not alleged anything against the anyone. She is presently residing in her matrimonial house and she has been blessed with a child. It is further submitted that the co-accused, Mithilesh Sahani, has been granted regular bail by a co-ordinate Bench of this Court by order dated 08.09.2023 passed in Cr. Misc. No. 59724 of 2023. Lastly, it is submitted that the petitioners have no criminal



antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge, POCSO Act, East Champaran at Motihari, in Darpa PS Case No.72 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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