

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58722 of 2022

Arising Out of PS. Case No.-69 Year-2020 Thana- LALGANJ District- Vaishali

1. BABAN SAHANI Son of Late Gopal Sahani Resident of village - Khajauli, P.S.- Lalganj, District - Vaishali.
2. Suraj Sahni Son of Baban Sahni Resident of village - Khajauli, P.S.- Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Prasad, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-01-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seeks regular bail in connection with Lalganj P.S. Case No. 69 of 2020 for the offence registered under Sections 363, 366(A)/34 of the Indian Penal Code.

The allegation is regarding the accused persons having kidnapped the daughter of the informant with wrong intentions.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case,



are having a clean antecedent and they are languishing in custody since 28.03.2022. The learned counsel for the petitioners has further submitted that the victim girl had eloped with one Prabhat Kumar and had solemnized marriage with him voluntarily without any pressure from any quarter, as is apparent from the statement made by the victim girl under Section 164 Cr.P.C., which has been taken note of in the impugned order dated 13.09.2022. As far as the petitioners are concerned, the petitioner no. 1 is the father of the said co-accused person, namely Prabhat Kumar and the petitioner no. 2 is his brother and they are having no complicity in the matter.

Per contra, the learned A.P.P. 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 petitioners and taking into account the materials available on record as also considering the fact that the victim girl has been found to be major, had



voluntarily fled away with the son of the petitioner no. 1, namely, Prabhat Kumar and had solemnized marriage, this Court finds that the petitioners are not having any complicity in the alleged occurrence, hence, I deem it fit and proper to admit the petitioners to the privilege of bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 69 of 2020.

(Mohit Kumar Shah, J)

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