

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64701 of 2023

Arising Out of PS. Case No.-401 Year-2023 Thana- MAJHAULIA District- West Champaran

1. Karimchand Sahani @ Karmchandra Sahani @ Karmchand Chaudhary @ Karmchandra Chaudhary S/o Late Sital Sahani, R/O Village- Madhopur, Ward No. 5, Malahi Math Tola, P.S- Majhauliya, Distt.- West Champaran.
2. Kundan Sahani @ Kundan Kumar S/o Vijay Sahani @ Vijay Chaudhary R/O Village- Madhopur, Ward No. 5, Malahi Math Tola, P.S- Majhauliya, Distt.- West Champaran.
3. Vijay Sahani @ Vijay Chaudhary S/o Balister Sahani, R/O Village- Madhopur, Ward No. 5, Malahi Math Tola, P.S- Majhauliya, Distt.- West Champaran.
4. Bindu Devi @ Indu Devi, W/O Vijay Sahani @ Vijay Chaudhary R/O Village- Madhopur, Ward No. 5, Malahi Math Tola, P.S- Majhauliya, Distt.- West Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Majhauliya P.S. Case No. 401 of 2023 registered for the offences punishable under Sections 363/366A/506/34, of the Indian Penal Code and Section 8/12, POCSO Act. They have been made accused in one case after the present case.

3. As per the prosecution story, on 04.05.2023 at 7.30 pm informant's daughter went to ease out but did not return. On



the next day, the informant informed about this incident to the Ward Member (petitioner no.1) who fraudulently took his signature on 12 pages but the informant did not get to know about his daughter. On 19.05.2023, petitioner no.1 took him to Kali Mandir where other petitioners were present from before with his daughter and they asked him to get her daughter married with the accused Gulshan Kumar in the court otherwise he will be killed.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners are family members and co-villager of the accused boy with whom informant's daughter had married on her own will. It is further submitted that the informant's girl had made statement before the police that she left her house with Gulshan Kumar on her own will and not under any pressure. The accused Gulshan Kumar is already in custody.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case, considering that the petitioners are the father, mother, brother and co-villager of the boy Gulshan Kumar with whom, the victim girl is said to have solemnised her marriage on her free will and she has made a statement before the police that she had left her house on her own volition and travelled with the said accused



Gulshan Kumar to several places, Gulshan Kumar is already in custody, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Majhauriya P.S. Case No. 401 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-cum-A.D.J.-VI, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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