

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63230 of 2022

Arising Out of PS. Case No.-317 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Sonu Sahani, aged about 23 years, Male, Son of Sri Ram Kripal Sahani R/o Village - Loma, P.S.- Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Gaighat P.S. Case No. 317/2021 registered for the offence punishable under Section 341/342/323/363/376/504/506/34 of the Indian Penal Code (for brevity 'IPC') and Sections 4/6/8 of the Protection of Children from Sexual Offences Act, 2012 (for brevity 'POCSO Act').

Informant alleged that she (minor) was kidnapped on 20.10.2020 by five (5) named accused persons, including the petitioner. She alleged rape against co-accused, namely, Kanchan Sahani and Manoj Sahani and that she has been set free nearly ten(10) months, thereafter, on 15.08.2021, after she gave birth to a child.

Learned counsel for the petitioner submits that specific allegation of rape is against Kanchan Sahani and Manoj Sahani. Otherwise, also the prosecution case appears to be highly absurd and improbable, as it does not stand to reason that a minor would be kidnapped for ten (10) months, and there would be no intimation in this regard by anyone to the police. The mother of co-accused (Kanchan Sahani) has been allowed bail in Cr. Misc. No. 864 of 2022. It is submitted that investigation is complete. It is further



submitted that statement of the victim recorded under Section 164 of the Code of Criminal Procedure (for brevity 'Cr.P.C.') also belies the prosecution case.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, allegations levelled in the F.I.R., as also the clean antecedents, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, in connection with Gaighat P.S. Case No. 317/2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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