

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68291 of 2022

Arising Out of PS. Case No.-676 Year-2022 Thana- MAJHAULIA District- West Champaran

KISHOR SAHNI @ KISHOR CHAUDHARY S/o Late Ram Sakal Sahani
R/o Village- Nayaka Tola Kathaiya, Senwariya, Ward no.-03, P.S.-
Manjhauriya, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69073 of 2022

Arising Out of PS. Case No.-676 Year-2022 Thana- MAJHAULIA District- West Champaran

SANGEETA DEVI @SANGITA DEVI W/o Manoj Das R/v- Senwariya,
Ward No- 3, P.S.- Manjhauriya, District- West Champaran Bettiah

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68291 of 2022)

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

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP.

Mr. Arbind Kumar Singh, Adv.

Mr. Pramod Kumar Yadav, Adv.

(In CRIMINAL MISCELLANEOUS No. 69073 of 2022)

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

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP.

Mr. Abhishek Kumar, Adv.

Mrs. Rashmi Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-05-2023 As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.



Heard the parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 346, 347, 376 120 (B), 506 of the Indian Penal Code and 4/6 of the POCSO Act.

Allegedly, the accused persons including these petitioners are said to have kidnapped the informant's daughter.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is specific allegation against one Pramod Shah that he developed illicit relation with the informant's daughter. There is love affair between co-accused Pramod Shah and the victim. It is further submitted that from perusal of the FIR, it is evident that the alleged occurrence took place in the busy locality but there is no eye witness to the alleged occurrence in the entire FIR. No case is made out as alleged in the FIR and all the sections are totally false and fabricated. Petitioner Kishore Sahni has one criminal antecedent, whereas petitioner Sangeeta Devi has no



criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsels for the informant opposed the prayer for bail and submitted that the statement of the victim under Section 164 has been recorded in which she has supported the prosecution case.

Considering the facts and circumstances of the case as well as the statement of the victim under Section 164 Cr.P.C., as the victim is minor, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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