

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71459 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- BABUBARHI District- Madhubani

Raushan Kumar Sahani @ Raushan Kumar @ Ravi Kumar Sahani Son of
Kailu Sahani R/V- Baruar, P.S- Babubarhi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Babubarhi P.S. Case No. 161 of 2022 registered for the offence
under Sections 363, 366(A) of the Indian Penal Code and under
Section 8 and 12 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.08.2022.

The allegation against the petitioner is to kidnap the
minor daughter of the informant aged about 15 years for the
purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner has falsely been implicated in the present case as petitioner was in love affairs with daughter of informant, which was not accepted by the informant as petitioner belongs to different religion. It is submitted that victim went on her own with petitioner and solemnized her marriage out of her own sweet will and thereby denied the allegation of kidnapping and sexual assault. It is further submitted that said fact is well surfaced through statement of victim as recorded under Section 164 of the Cr.P.C. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as allegation of kidnapping and sexual assault is not supported by the statement of victim as recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Babubarhi P.S. Case No. 161 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Madhubani/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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