

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1472 of 2023

Arising Out of PS. Case No.-61 Year-2022 Thana- KESARIA District- East Champaran

Umesh Kumar Sahani @ Umesh Kumar @ Umesh Sahani @ Umesh Sahni
Son Of Bhagwan Sahani R/V- Konhiya, P.S.- Kesariya, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 363, 366A, 34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per prosecution case, informant alleged that petitioner along with co-accused persons kidnapped her daughter and when she went their house for query then all accused persons assaulted her.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. Informant is not an eye witness of the alleged occurrence. The statement of the victim girl which was recorded under Section 164 of the Cr.P.C. wherein she stated that she fled away with her own sweet-will and solemnized marriage with co-accused, namely, Arvind Kumar Sahni @ Arvind Kumar. It is further submitted that the informant had twice lodged FIR for kidnapping of her daughter against the petitioner and others viz Kesariya P.S. Case No. 300 of 2018 for the same offence. Similary sitauted co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 13.04.2023 passed in Cr. Misc. No. 4344 of 2022. Petitioner has got no criminal antecedent moreover he is languishing in judicial custody since 21.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kesariya P.S. Case



No. 61 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge POCSO Act, Motihari, East Champaran.

(Sunil Kumar Panwar, J)

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