

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38032 of 2024**

Arising Out of PS. Case No.-1 Year-2024 Thana- MAHILA PS District- East Champaran

1. Jitan Sahani Son of Sukhdeo Sahani Resident of Village- Paithaniya, P.S- Chakia, Dist- East Champaran
2. Kailasho Devi Wife of Jitan Sahani Resident of Village- Paithaniya, P.S- Chakia, Dist- East Champaran
3. Dhanmanti Devi Wife of Jaikumar Sahani Resident of Village- Paithaniya, P.S- Chakia, Dist- East Champaran
4. Gautam Kumar Sahani Son of Jai Kumar Sahani Resident of Village- Paithaniya, P.S- Chakia, Dist- East Champaran
5. Sohan Kumar Sahani Son of Jitan Sahani Resident of Village- Paithaniya, P.S- Chakia, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate  
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      26-06-2024                      Heard Mr. Dhurendra Kumar, learned counsel for the petitioner and Mr. Arun Kumar Singh, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner seeks permission to withdraw this application with respect to petitioner no. 1, namely, Jitan Sahani.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn with respect to petitioner no. 1.



5. The petitioners (except petitioner no. 1) are apprehending their arrest in connection with Mahila P.S. Case No. 01 of 2024, F.I.R. dated 25.01.2024 for the offences punishable under Sections 376, 420 and 120(B) of the Indian Penal Code.

6. According to prosecution case, all the accused persons including these petitioners have fraudulently solemnized the marriage of the victim with one of the co-accused, namely, Ravindra Kumar.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that neither there is any specific allegation of any assault or overt act attributed against these petitioners nor they have committed anything wrong with the victim. He further submits that the only allegation against these petitioners is that in connivance with the co-accused persons, they have settled the marriage of the informant with one Ravindra Kumar and the said Ravindra Kumar has committed rape upon the victim in the house of the co-accused, namely, Jitan Sahani.

8. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners.

9. Considering the aforesaid facts and circumstances that there is no accusation of any assault or overt act against these petitioners and the petitioners have clean antecedent, let the petitioners (except petitioner no. 1), above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Mahila P.S. Case No. 01 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. 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.

**(Rajesh Kumar Verma, J)**

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