

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41851 of 2024

Arising Out of PS. Case No.-124 Year-2023 Thana- KALYANPUR District- Samastipur

Ram Naresh Sahni Son of Ram Prit Sahni R/O Vill.- Mirzapur, P.S.-
Kalyanpur, Dist.- Samstipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vinod Sah Son of Late Gariban Sah R/O Vill.- Mirzapur, P.S.- Kalyanpur,
Dist.- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-09-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sessions Trial No.120 of 2024 arising out of Kalyanpur P.S.
Case No. 124 of 2023 dated 23.04.2023, lodged under Sections
363, 366 of the Indian Penal Code and under section 4 of the
Protection of Children from Sexual Offence Act.

3. As per the prosecution, FIR has been lodged against
the sole petitioner. The allegation against the petitioner in the
FIR is that he has kidnapped the informant's daughter with
wrong intention and there is apprehension that the petitioner
may outrage her modesty and kill her.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that from the allegation made in the FIR itself, it become clear that there is a litigation pending between the informant's family and petitioner and the case number of the said litigation has already been mentioned in the FIR itself. Counsel submits that the criminal antecedent of the petitioner is clean and he is in custody since 28.07.2023.

5. Learned Counsel for the petitioner further submits that there are 2-3 aspects which are necessary to be taken into consideration i.e. age of the petitioner is 60 years whereas, the age of the alleged victim girl is 20 years and alleged victim girl has denied her medical examination before the Doctor. Counsel submits that pendency of litigation between the informant's family and petitioner is also there and the petitioner has not been arrested, rather, as soon as he received information, he himself surrendered before the Court on 28.07.2023. Counsel further submits that it is true that the said victim girl has narrated her statement and made specific allegation under section 161 as well as 164 of the Cr.P.C., but the statement under section 161 as well as 164 of the Cr.P.C. may be taken into consideration in the light of the present facts and circumstances considering the age of the petitioner and victim



girl, medical report of the victim girl, surrender of the petitioner himself as well as the previous litigation between the parties.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that specific allegation is there in victim girl’s statement recorded under section 161 as well as 164 of the Cr.P.C., but age is an important factor as victim girl is aged about 20 years and the petitioner is aged about 60 years.

7. Considering the present facts and circumstances of this case, let the petitioner above named be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI-cum-Special Court (POCSO), Samastipur in connection with Sessions Trial No.120 of 2024 arising out of Kalyanpur P.S. Case No. 124 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J)

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