

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59968 of 2024

Arising Out of PS. Case No.-73 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Babloo Sahani @ Bablu Kumar Sahani Son of Seth Sahani Resident of
Village - Bhalahi, P.S. Muffasil Motihari, District - East Champaran
... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Kumar Singh Son of Chandrika Singh Resident of Village - Loksa, P.S.
- Muffasil, District - East Champaran
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioner as well as

learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 366(A)/34 of the IPC and Section 8 of the POCSO Act
in connection with Muffasil P.S. Case No.73 of 2023.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that on 17.01.2023 his minor daughter aged about 17
years was kidnapped by the petitioner and Tullu Sahni on point
of gun and was taken on a motorcycle, further when the
informant went to the house of the petitioner and other accused
persons their family members accepted the occurrence and also



assured that the victim would be returned by 19.01.2023, but then the victim did not return.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that though in the FIR it is alleged that the victim was 17 years of age, but then the victim was a major and even presuming what has been alleged in the FIR to be true then victim had reached the age of discretion where she was capable of understanding the consequences of her action. It is next submitted that the victim came back and her statement was recorded under Section 164 Cr.P.C. wherein she did not support the case of the prosecution, rather stated that she left her parental home and went to Kathmandu with her husband (petitioner) and stayed there for a month and thereafter solemnized court marriage. The learned counsel thus submits that since court marriage was solemnized that amply demonstrates that victim was not a minor.

5. The learned APP opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Muffasil P.S. Case No.73 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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