

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61611 of 2024**

Arising Out of PS. Case No.-475 Year-2021 Thana- SARAIYA District- Muzaffarpur

Kanchan Sahni son of Paspati sahni R/O Village- kowa pakri lalganj ps-  
lalganj, district -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raju Kumar, Adv.  
For the Opposite Party/s : Mr. Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

5      22-11-2024                      Heard Mr. Raju Kumar, learned counsel for the  
petitioner and Mr. Lalan Kumar, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Saraiya P.S. Case No. 475/2021 registered for the offences punishable under Sections 365 and 366/34 of the Indian Penal Code.

3. The main submissions advanced by the learned counsel for the petitioner are that the entire prosecution story narrated in the FIR is totally false and in fact on account of a partition dispute for which partition suit no. 46/2021 is running in between both the parties. A false story of kidnapping was fabricated in order to create pressure upon the petitioner and the informant himself disappeared his daughter and during the investigation both the so called victims themselves appeared



before the investigating officer after a gap of one month and eight days, while as per the victims' statement recorded under Section 164 Cr.P.C., the first victim who happens to be the daughter of the informant alleged that she and her daughter were kept in captivity for two months by the petitioner and others. The said fact is completely contradictory to the factum of the appearance of the so called victims. He further submits that as per the victims' statement recorded under Section 164 Cr.P.C. during the period of captivity informant's daughter (victim) was subjected to torture but after the recovery, the said victim was not medically examined, so the said allegation does not corroborate from the medical examination and this fact clearly shows that a false case was prepared and lodged against the petitioner.

4. Learned APP appearing for the State has opposed the prayer for bail but fairly accepted that as per the case diary the so called victims were not recovered by the police rather they themselves appeared before the police.

5. Considering the facts and circumstances of the case and also the fact that in between both the parties there is partition suit pending and as per the paragraph no. 16 the victims themselves have appeared before the police with the



informant and there is also contradiction with regard to the period of captivity of the victims in between the factum of the appearance and the details given by them in their statements before the magistrate.

6. In my opinion, it is a fit case to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Saraiya P.S. Case No. 475/2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Shailendra Singh, J)**

Siddharth Soni/-

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