

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66054 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- BAHERA District- Darbhanga

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RAJU SAHNI @ PANKAJ KUMAR S/O LATE SITA RAM SAHANI R/O
VILLAGE- JAUGHATTA, P.S- BAHERA, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhumala Kumari

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

8 09-02-2024 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bahera
P.S. Case No. 102 of 2023 registered for the offences punishable
under Section 366A/34 of the IPC.

3. As per prosecution case, petitioner and others are
said to have kidnapped the minor daughter of the informant by act of
inducement and kept her hidden somewhere.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 14.07.2023 and bears no criminal
antecedent. Charge sheet has been submitted in the case and there is
no likelihood of tampering with the prosecution evidence. He further
submits that statement of victim reflects that she has voluntarily left
her parental house with her own volition and no act of inducement is
attributed against the present petitioner. In the light of aforesaid facts



and circumstances, no offence is made out under section 8/18 of the POCSO Act or any allegation made out against the petitioner in the FIR. The statement of victim was recorded under section 161 as well as 164 of the Cr.P.C. in which she denied any role of inducement on the part of petitioner. In this way, allegation made in the FIR is totally baseless. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned counsel for the informant vehemently opposes the prayer for bail and submits that victim is minor and there is direct allegation the petitioner who is said to have induced the minor girl and took away her from the parental house and learned A.P.P. for the State also vehemently opposes the prayer for bail of the petitioner and he also endorsed learned counsel for the informant on the point of allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, statement of victim does not reflect that there was any act of inducement on the part of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge



(POCSO Act), Darbhanga in connection with Bahera P.S. Case No. 102 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for a single date without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall not threat the prosecution witnesses otherwise his bail bond shall be cancelled.

(Alok Kumar Pandey, J)

vashudha/-

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