

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67473 of 2024

Arising Out of PS. Case No.-595 Year-2023 Thana- BIRAUL District- Darbhanga

1. Ram Pukar Sahni Son of Sri Rajendra Sahni Resident of Village Jagdishpur(Kahua), P.S.-Biraul, District- Darbhanga
2. Rohit Kumar Sahni Son of Sri Ram Pukar Sahni Resident of Village Jagdishpur(Kahua), P.S.-Biraul, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Smt. Daayrani Devi Wife of Nunu Prasad Chaudhary Resident of Village Jagdishpur, P.S.-Biraul, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Kumar, Adv.
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Biraul P.S. Case No. 595 of 2023 dated 13.12.2023 registered for the offences punishable u/ss 366, 366A read with Section 34 of the Indian Penal Code G.R. No. 1083/ 23 and Section 4 of the POCSO Act.

3. As per the prosecution case, the informant's elder daughter was married to the co-accused, Rahul Kumar



Chaudhary as per Hindu rites and rituals and they were blessed with three children. The informant's son-in-law and his family members committed murder of her daughter due to non-fulfillment of demand of dowry and in this connection Hayaghat P.S. Case No. 95 of 2023 was lodged. It has further been alleged that all the three children of her daughter (deceased) were living in her house. On 08.12.2023, when they went to harvest paddy in the field, in the meantime, 10 persons named in the F.I.R. came to her house and assaulted the children of the informant's daughter and dragged them into the car and they also took away the jewellery of both daughters, golden earring and a box containing clothes of Rs. 7,00,000/- with them. It is further alleged that the elder daughter-in-law, Puja Kumari wanted to stop them but they threatened to stay on the point of gun and they kidnapped all the four children. Thereafter, Puja Kumari informed the informant and therefore, some villagers tried to find them out, but they were not found. Later on, When they called on the mobile number 9508589907 of the accused person then they threatened that their father Lal Bahadur Chaudhary is in jail in connection with Hayaghat P.S. Case No. 95/2023, they should compromise the case otherwise all four children would



be killed.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the F.I.R. The name of the petitioners has surfaced in this case during the course of investigation. The charge-sheet has been submitted against the petitioners. The petitioners have no concern with the alleged offence rather the entire allegations are against the co-accused, Rahul Kumar who is brother-in-law (Jija) of the victim and his family members. It is further submitted that there is no involvement of the petitioners in the alleged crime which is evident from the F.I.R. and the statement of the victim recorded under Sections 161 and 164 of the Cr.P.C. The petitioner no. 1 has one criminal antecedent whereas the petitioner no. 2 has no criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 30.04.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on



furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Darbhanga in connection with Biraul P.S. Case No. 595 of 2023, G.R. No. 1083/23 later on registered as POCSO-63/2024 with the condition :-

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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