

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66010 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. SHIVNATH SAHANI Son of Dev Raj Sahani R/o vill - Bairiya Jiwdhara,
P.s. - Muffasil, Distt. - East champaran
 2. SUGANTI DEVI W/o Shivnath Sahani R/o vill - Bairiya Jiwdhara, P.s. -
Muffasil, Distt. - East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 27-02-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with A.B.P. No. 1461 of 2023 arising out of Muffasil P.S. Case no. 142 of 2022 for the offence registered under sections 363 and 366(A) of the Indian Penal Code lodged on 01.03.2022 by the informant, Suresh Sahani.

3. As per the prosecution story, the informant alleged that his daughter who was appearing for Matric exam, disappeared and could not be traced. Accordingly, the FIR.

4. Subsequently, the victim girl recovered and she has made statement under 164 Cr.P.C. which is on record pursuant



to the earlier order passed by the co-ordinate bench and according to which, she was forcibly married by the accused person, Dheeraj Singh who consummated the marriage.

5. So far as the petitioner no. 1, Shivnath Sahani is concerned, his anticipatory bail application is rejected.

6. In case the petitioner no. 1, Shivnath Sahani surrenders before the concerned Court within a period of four weeks from today, the Court shall take into account his age as also that he do not have criminal antecedent and pass an appropriate order on the bail petition preferably on the same day.

7. Though allegation against petitioner no. 2, Suganti Devi is similar to that of husband, considering the fact that she is a lady, do not have criminal antecedent and will be facing the trial, this Court is inclined to extend her privilege of anticipatory bail.

8. Let the petitioner no. 2, Suganti Devi in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in



connection with Muffasil P.S. Case No. 142 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner no. 2, Suganti Devi , who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 2, Suganti Devi shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner no. 2, Suganti Devi shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner no. 2, Suganti Devi shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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