

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74445 of 2023

Arising Out of PS. Case No.-5 Year-2022 Thana- BIRAUL District- Darbhanga

Mukesh Sahni, Gender-Male, aged about 23 years, S/O- Late Raj Kumar Sahni, R/O- Village- Karhi, P.S.- Singhiya, Dist.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kaushalesh Choudhary, Advocate

For the Opposite Party : Mr. Dr. Mrityunjaya Kr. Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 07-05-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Biraul P.S. Case No. 05 of 2022 dated 03.01.2022 registered for the offences punishable under Sections 363, 366A, 372/34 of the I.P.C. and Section 3/4 of the POCSO Act.

3. As per the prosecution case, the petitioner and the co-accused are alleged to have kidnapped the minor daughter of the informant for the purpose of prostitution.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the occurrence took place on 24.11.2021 and the F.I.R. has been lodged on 03.01.2022 and



delay in lodging the F.I.R. has not been explained by the prosecution. There was love affair between the petitioner and the informant's daughter. It is further submitted that the victim girl in her statement recorded under Section 161 Cr.P.C., said that she was in love with the petitioner and her mother assured that marriage will be solemnized between them but as her mother wanted to marry her with other boy, therefore, she went away with the petitioner out of her own will and the petitioner has not abducted her and she wants to live with her sister-in-law (Bhabhi) and her brother and not with her mother. It is further submitted that the victim girl in her statement recorded under Section 164 Cr.P.C., has stated that six months ago, she went away from her house out of her own will with the petitioner to Samastipur and then to Hyderabad and got married with the petitioner in a temple and both are living together as the wife and the husband but her mother has lodged the present false case. There is nothing on record to show that the victim was forced to have illicit intercourse with any other person. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 05.01.2023.

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



6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged 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 Special Judge (POCSO Act), Darbhanga, in connection with Biraul P.S. Case No. 05 of 2022.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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