

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73452 of 2023

Arising Out of PS. Case No.-724 Year-2023 Thana- MAJHAULIA District- West Champaran

1. KARIMCHANDRA SAHNI @ KRAMCHANDRA CHAUDHARY @ KARMCHAND CHAUDHARY SON OF LATE SITAL SAHANI
 2. KUNDAN SAHNI @ KUNDAN KUMAR SON OF VIJAY SAHNI @ VIJAY CHAUDHARY
 3. VIJAY SAHNI @ VIJAY CHAUDHARY SON OF BALISTER SAHANI
 4. BINDU DEVI @ INDU DEVI WIFE OF VIJAY SAHNI @ VIJAY CHAUDHARY
- ALL RESIDENT OF VILLAGE - MADHOPUR, WARD NO. 05, MALAHI MATH TOLA, P.S. - MAJHAULIYA, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 363, 365, 366(A), 368, 506/34 and 120B of the Indian Penal Code and Sections 11 and 16 of the POCSO Act.

3. Learned counsel for the petitioners, at the outset, submits that petitioners have antecedent of one case but then the said case was also instituted by the present informant. It is further submitted that the daughter of the informant, who is aged about 17 and ½ years, fell in love with Gulshan Kumar,



son of petitioner no. 3. It is next submitted that the victim of the present case earlier had fled away with Gulshan Kumar for which Majhauriya P.S. Case No. 401 of 2023 was instituted in which he was taken in judicial custody and thereafter was released on bail very recently about one week back. It is further submitted that the present FIR came to be instituted on 23.08.2023 when Gulshan Kumar was in custody in Majhauriya P.S. Case No. 401 of 2023. It is thus submitted that if Gulshan Kumar was in custody where was the occasion for the petitioners who are parents and relatives of Gulshan Kumar to kidnap the victim. It is further submitted that a supplementary affidavit has been filed wherein it has been specifically pleaded that the victim of the present case after coming back was sent to Remand Home from where she was released by an order dated 11.01.2024 (Annexure P/2 to the supplementary affidavit) and she was handed over to Ramashish Chaudhary. It is next submitted that the order dated 11.01.2024 records that Ramashish Chaudhary is father-in-law of the victim but then he is cousin of Vijay Sahni (petitioner no. 3) as such he has been described as father-in-law.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Majhauriya P.S. Case No. 724 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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