

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76534 of 2023

Arising Out of PS. Case No.-111 Year-2016 Thana- PIPRAKOTHI District- East Champaran

Kedar Sahani S/O Sogarath Sahani @ Ram Swarath Sahani R/O- Jhitkahiya
P.S.- Motihari Mufassil, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Patanjali Rishi, Adv.
For the Opposite Party/s	:	Mr.Shyam Kumar Singh, APP
For the Informant	:	Mr. Pravin Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 08-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was rejected vide order dated 12.04.2018 passed in Cr. Misc. No. 11425 of 2018.

3. The petitioner seeks bail in connection with Piprakothi P.S. Case No. 111 of 2016 instituted for the offences under Sections 420, 365, 363 r/w 34 of the Indian Penal Code.

4. As per prosecution case, the allegation against the petitioner is of taking Rs. 5,00,000/- in the name of putting a job to the Informant's daughter but, she did not get the job and after lapse of considerable time, when the Informant's wife and daughter demanded the money, he, in assistance with co-



accused, kidnapped the victim girl.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that actually on account of discontent in her matrimonial life, the daughter of the Informant eloped with someone and, thus, the petitioner has no role in disappearance of the daughter of the Informant. He further submits that the daughter of the Informant has also filed a case seeking maintenance from her husband bearing Maintenance Case No. 112 of 2014. He further submits that as per prosecution case, the victim was last seen with the petitioner but, except this, there is nothing on record against the petitioner. There is also no eye-witness to the alleged occurrence. Till date the victim is traceless. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 11.06.2023 and charge-sheet has been submitted in this case.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the victim has yet not recovered. Charge-sheet has been submitted in this case under Sections 363, 365, 498 of the



I.P.C. against the petitioner. The victim was last seen with the petitioner. In Para-71 of the case diary, the witness has stated that he he had seen the victim at the Chowk being taken away in the Bolero vehicle by the petitioner. Several other witnesses have also supported the prosecution case. The offence alleged is serious in nature and, thus, the petitioner does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, after framing of charge if not already framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Piprakothi P.S. Case No. 111 of 2016.

(Rudra Prakash Mishra, J)

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