

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85887 of 2023

Arising Out of PS. Case No.-403 Year-2023 Thana- SURSAND District- Sitamarhi

1. RAM PUKAR SAHNI S/O RAM ASHISH SAHNI R/O VILL.- MEGHPUR CHHOTA, WARD NO. 10, P.S- SURSAND, DISTT.- SITAMARHI.
2. SINO DEVI @ SENU DEVI W/O RAM PUKAR SAHNI R/O VILL.- MEGHPUR CHHOTA, WARD NO. 10, P.S- SURSAND, DISTT.- SITAMARHI.
3. PAPPU SAHNI S/O RAM PUKAR SAHNI R/O VILL.- MEGHPUR CHHOTA, WARD NO. 10, P.S- SURSAND, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-01-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Sursand P.S. Case No. 403 of 2023 for the offence under Sections 363, 366A and 34 of the I.P.C. and Section 8 of the POCSO Act, lodged on 20.07.2023 by the informant, Umesh Kumar Sharma.

3. As per the prosecution story, the informant alleged that his minor daughter went to school but did not return. Later it came to knowledge that one Santosh Sahni took her to the house of the petitioners and later went to Nepal to solemnize marriage with her. When the informant went to the house of the petitioner No. 01, Ram Pukar Sahni, he was threatened. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that they are maternal uncle, maternal aunt and cousin brother, do not have any role to play, admittedly, Santosh Sahni has taken her away as alleged.

5. Learned APP opposes the prayer stating that after the girl left the place, as per the allegation, she had gone to the petitioners' home from where she went to Nepal.

6. Taking into account the submissions put forward by the parties as also that allegation of taking away the daughter of the informant is on Santosh Sahni, they are maternal uncle, aunt and cousin brother and do not have any criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.D.J-VI-cum-Special Judge, POCSO Act, Sitamarhi in connection with Sursand P.S. Case No. 403 of 2023 subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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