

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.794 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- BHAGWANPUR District- Begusarai

Sajjan Sahani @ Saajan Sahni Son of Basant Sahni R/o vill - Bagras, P.S. -
Bhagwanpur, District. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shashank Shekhar, Advocate
	Mr. Utsav Kumar, Advocate
	Mr. Mukul Kumar, Advocate
For the Opposite Party/s :	Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bhagwanpur P.S. Case no.223 of 2023, registered under section 366A of the Indian Penal Code.

3. As per the prosecution case, the informant states that the accused persons including the petitioner herein abused and assaulted the informant and his wife and forcibly took away his 13 year old daughter. His daughter was taken away by the petitioner and one Bholu Kumar.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No such occurrence as alleged has taken place. The petitioner is in custody since 12.9.2023 and charge-sheet has been submitted in



the case. It is further submitted that the daughter of the informant returned and her statement was recorded under section 164 Cr.P.C which is at variance with the allegations leveled in the FIR.

5. The application for bail is opposed by learned APP for the State. It is submitted that the petitioner is named in the FIR as one of the kidnappers of the informant's daughter. Further in reference to the statement of the informant's daughter under section 164 Cr.P.C, it is submitted that over an occurrence relating to Bholu Kumar wanting to talk with the informant's daughter on telephone, her *chachi*, Rani Devi who happens to be her neighbour went and protested. She was assaulted by the petitioner. The same night, it is stated that the informant and his wife were taken by the petitioner and others. They were abused and assaulted and finally on the point of pistol Dilkhush Kumar and Bholu Kumar kidnapped the informant's daughter. The petitioner was also standing nearby. The victim became unconscious. It is further stated that on protest Dilkhush Kumar and Bholu Kumar did not force themselves upon her. She somehow managed to escape.

6. At this stage, learned counsel for the petitioner submits that in view of the statement of the alleged victim under



section 164 Cr.P.C being at variance with the FIR, the petitioner be enlarged on bail.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR as also statement of the victim under section 164 Cr.P.C, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Liberty is granted to the petitioner to renew his prayer for bail on completing one year in custody or after framing of charge, whichever is later.

(Partha Sarthy, J)

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