

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21876 of 2025

Arising Out of PS. Case No.-33 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Rudal Sahni @ Rudal Sahani Son of Late Kailash Sahani Resident of Village - Marpa Kothi (Hathiyahi), P.S. - Patahi, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahendra Chaudhary Son of Late Asharfi Chaudhary Resident of Village - (Hathiyahi), P.S. - Pipra Kothi, District - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 25-07-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with POCSO Trial no.83 of 2023 (arising out of Pipra Kothi P.S. Case no.33 of 2023) registered under sections 363, 366A and 34 of the Indian Penal Code and section 8 of the POCSO Act.

3. As per the prosecution case, the informant states that ten named accused persons including the petitioner herein kidnapped the daughter of the informant for the purpose of marriage. It is further stated that inspite of search she was not to be found. On the informant requesting the accused persons including the petitioner to return his minor daughter, he was



abused and forced to return.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 6.12.2023 passed in Cr. Misc. no.64096 of 2023. It is submitted that it was a case of a love affair between the son of the petitioner namely Shyam Babu Sahni and the daughter of the informant whom the informant claims to be aged about 17 years. Both of them eloped and for this reason and for no fault of his, the petitioner has remained in custody for over two years since 27.5.2023. The trial has commenced in the learned trial Court and the petitioner undertakes to cooperate in the same.

5. The application for bail is opposed by learned A.P.P. for the State.

6. In spite of notice issued in the case having been received personally by the opposite party no.2, no one appeared on behalf of the opposite party no.2 and as such, the case was adjourned on 11.7.2025. Once again, even today, no one appears on behalf of opposite party no.2.

7. A report was called for from the learned trial Court. As per the report received contained in letter No.193 dated 15.4.2025 of the 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari, one



witness has been examined on behalf of the prosecution and bailable warrants have been issued for appearance of the rest witnesses.

8. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation, trial having commenced in the learned trial Court, the petitioner having remained in custody for over 2 years since 27.5.2023 and specially the witnesses on behalf of the prosecution not appearing in the learned Court below for deposing in course of trial for which as per the report of the learned trial Court bailable warrants have been issued for their appearance, the Court directs the petitioner to be enlarged on bail in connection with POCSO Trial no.83 of 2023 (arising out of Pipra Kothi P.S. Case no.33 of 2023) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Ex. Special Judge, POCSO Act, East Champaran, Motihari.

(Partha Sarthy, J)

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