

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32101 of 2025

Arising Out of PS. Case No.-441 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Law Kush Sahani @ Lavkush Kumar @ Lavkush Sahni @ Lakush Kumar
S/o- Lalan Sahani @ Madan Sahani Village- Fursatpur Bairiya Ps- Muffasil
Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shivkali Devi W/o- Harendra Sahani Village- Badharwa Ps- Muffasil Dist-
East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manjeet Kumar Mishra, Advocate
For the Informant	:	Md. Waliur Rahman, Advocate
For the State	:	Mrs. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 26-05-2025 Heard Mr. Manjeet Kumar Mishra, the learned

appearing on behalf of the petitioner, Md. Waliur Rahman, the

learned counsel for the Informant and Mrs. Pushpa Sinha, the

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with

Muffasil P.S. Case No. 441 of 2023, registered for the offences

punishable under Sections 363, 366(A), 34 of the Indian Penal

Code and Section 8 of the POCSO Act. Petitioner has clean

antecedent.

3. The prosecution case is to the effect that on

21.06.2023, the petitioner kidnapped the minor daughter of the



informant with bad intentions and had fled away on a motorcycle.

4. The learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case of kidnapping. The learned counsel submits that there is love affair between the petitioner and the victim girl and they had voluntarily eloped and subsequently, they had also solemnized marriage and there is one child out of the said wedlock. The learned counsel has also submitted that victim girl is residing at her Sasural i.e., the house of the petitioner. The learned counsel further submits that the compromise petition has also been filed before the learned Court below and the copy of the same has been brought on record by way of Annexure-2. It has lastly been submitted that the petitioner has clean antecedent and is in custody since 08.03.2025.

5. The learned counsel for the informant, namely, Md. Waliur Rahman submits that the informant's daughter is presently residing at her Sasural i.e., the house of the petitioner and he has not disputed the submissions made by the learned counsel for the petitioner and has accepted the factum of son being born out of the said wedlock.

6. The learned A.P.P. for the State has supported the submissions made by the learned counsel for the Informant.

7. Considering the aforesaid submissions made by the respective parties and taking into account that the victim is



residing at the house of the petitioner and they have a child born out of the said wedlock, I am inclined to grant the petitioner privilege of regular bail.

8. Accordingly, the prayer for bail is allowed.

9. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned 6th District & Additional Sessions Judge-cum-Exclusive Special Judge, POCSO Act, East Champaran, Motihari, in connection with Muffasil P.S. Case No. 441 of 2023, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.



(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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