

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33065 of 2025

Arising Out of PS. Case No.-441 Year-2022 Thana- MADHUBAN District- East Champaran

1. Dhiraj Sahani @ Dhiraj Kumar son of Prabhu Sahani Village-Chak Chauhani Tola Pachis ,P.S-Madhuban ,District-East Champaran
2. Ramadhar Sahani Son of Late Nagina Sahani Village-Kothiya ,P.S-Madhuban ,District-East Champaran
3. Prabhu Sahani Son of Late Nagina Sahani Village-Chak Chauhani Tola Pachis ,P.S-Madhuban ,District-East Champaran
4. Kavita Devi Wife of Bal Govind Sahani Village- kanhauli, Ps- Mithunpura, Dist- Muzaffarpur
5. Siyaram Sahani Son of Ramadhar Sahani Village- Kothiya ps- Madhuban, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangita Devi Wife of Sunil Sahani Village- khairwa, Ps- Madhuban, dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-05-2025 Heard the parties.

2.The petitioners are named in the F.I.R. and apprehending their arrest in connection with Madhuban P.S. Case No. 441 of 2022 registered for the offences punishable under Sections 363, 366(A), 34 of the Indian Penal Code and Secion 8 of POCSO Act.

3. The allegation against petitioners is



to kidnap the minor daughter of the informant aged about 16 years as to seduce/force her to enter into illicit relationship/ marriage with another person.

4. It is submitted by learned counsel appearing on behalf of the petitioners that all petitioners are distant relatives of co-accused namely, Raju Sahani with whom marriage of victim was solemnized. It is submitted that as per medical board report victim was found more than 19 years on the date of occurrence. It is also pointed out that FIR in issue was lodged with delay of 8 days, which clearly indicate the fact that same was lodged as an after thought. It is further submitted that above named petitioners are men of clean antecedent. While concluding arguments, it is submitted that the victim through her statement as recorded under Section 161 and 164 of Cr.P.C. nowhere disclosed anything incriminating against petitioners rather same is



specific against Raju Sahani and Ramakant Sahani.

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as implication of petitioner *prima-facie* appears due to distant relatives of co-accused namely, Raju Sahani with whom marriage of minor daughter of informant alleged to be solemnized forcibly, accordingly all the above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 7th District and Addl. Sessions Judge cum Special Judge, POCSO Act, East Champaran, Motihari /concerned Court, where the case is pending in connection with



Madhuban P.S. Case No. 441 of 2022, subject to
the conditions as laid down under Section
438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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