

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38983 of 2025

Arising Out of PS. Case No.-241 Year-2023 Thana- SIMRI District- Darbhanga

Babloo Sahni S/o Lalan Sahni Resident Of Village-Sadhware, P.S.- Simri,
Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Simri P.S. Case No. 241 of 2023, registered for the offences under Section 363 and 366A/34 of the Indian Penal Code.

3. As per prosecution case, the minor daughter of the informant went missing after she went out to ease herself. On inquiry the informant came to know about the petitioner and other co-accused who enticed her minor daughter away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 09.11.2023 and the FIR was



lodged on 13.11.2023 and there is no explanation for the delay. In course of investigation, the victim girl herself appeared before the police and recorded her statement under Sections 161 and 164 of Cr.P.C., respectively. In her statement under Section 161 Cr.P.C., she categorically denied the prosecution case and stated that she herself left her house after some altercation took place with her mother and went to Delhi and thereafter returned from there. She did not name this petitioner and any other person for being involved in her kidnapping. However, while recording her statement under Section 164 of Cr.P.C., she made a different statement and stated that a boy gagged her mouth and took her away. The said boy left her at the house of his sister and from there police brought her back. But the said statement cannot be believable as the victim girl herself went to the police station and was not brought from the house of any person. Learned counsel further submits that during investigation the independent witness stated about love affair of the victim girl with the petitioner but the victim girl did not say anything about him. Petitioner is in custody since 07.04.2025 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that specific



allegation against the petitioner for enticing away the minor daughter of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl and also considering the clean antecedent of the petitioner coupled with his period of custody and submission of charge-sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Darbhanga/concerned court in connection with Simri P.S. Case No. 241 of 2023, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three 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.

(Arun Kumar Jha, J)

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