

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73833 of 2024

Arising Out of PS. Case No.-766 Year-2023 Thana- BAGHA District- West Champaran

Lalbabu Sahani S/o Sri Nagina Sahani R/o vill - Ratanmala, Chandisthan,
ward no. 35, P.S - Bagaha, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Sahani S/o Late Gopal Sahani R/o vill - Ratanmala, Chandisthan,
ward no. 34, P.s. - Bagaha, Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Bagaha P.S. Case No. 766 of 2023 registered for the offence punishable under Sections 366A and 34 of the Indian Penal Code. Further, charge-sheet has been submitted under Sections 363, 366A of the Indian Penal Code and Sections 3 and 4 of POCSO Act.

3. The case of the prosecution is that when the informant came to his house at 6:00 p.m., he found that the door of the house was open and two daughters, namely, Chulbuli Kumari and Choti Kumari were missing. He started searching



them. He came to know that Lalbabu Sahani and Chaini Devi have took his daughters towards main road Bagaha. After this, the informant went to the house of Lalbabu Sahani and inquired from his father. On the next day, his daughter Chhoti Kumari made a call to him and informed him that she is at Paniyahwa Railway Station and her elder sister had gone with Lalbabu Sahani to Surat. She was brought to home from Paniyahwa Railway Station.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. During course of investigation, victim has given her statement recorded under Section 164 of the Cr.P.C. In her statement, she has stated that she has gone to Bagaha Railway Station with Lalbabu Sahani and from there she went to Lucknow with him. She has further stated that she has solemnised marriage with Lalbabu Sahani in a temple. They were also living as husband and wife in a room in Lucknow. She has further stated that no force was used against her and that she has gone from her house on her own sweet will. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody



since 19.04.2024.

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

6. Having heard learned counsel for the parties and
considering the facts and circumstances of the case, this Court is
inclined to enlarge the petitioner on bail. The above named
petitioner is directed to be enlarged on bail on furnishing bail
bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties
of the like amount each to the satisfaction of the learned
Additional Sessions Judge-VII-cum- Special Judge, under
POCSO Act, West Champaran at Bettiah in connection with
Bagaha P.S. Case No. 766 of 2023.

(Ashok Kumar Pandey, J)

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