

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78439 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- SACHIVALAYA District- Patna

Rahul Sahani Son of Fokat Sahani Resident of R. Block Chauraha, P.S.-
Sachivalaya, District – Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shankar Paswan Son of Late Bhagwat Paswan Resident of R. Block, Road
No.-10, P.S.-Sachiwalaya, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Shalini, Advocate Mr. Santosh Kumar, Adv.
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. However, despite service of notice, none has
entered appearance on behalf of the informant/opposite party.

02. In the present case, the petitioner seeks bail in
connection with Special POCSO Case No. 164 of 2024 arising
out of Sachivalaya P.S. Case No. 123 of 2023 registered for the
alleged offences under Sections 366(A)/34 of the Indian Penal
Code.

03. As per prosecution case, the minor daughter of the
informant went missing and the informant came to know about
the petitioner taking away his daughter with the intention of
solemnizing marriage with her.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and the petitioner did not entice away the daughter of the informant. Rather, the daughter of the informant was in love with the petitioner and she eloped with him and solemnized marriage. To this effect, the victim girl has recorded her statements under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. The victim girl was medically examined and in the medical report her age was assessed to be 20 years. So, the victim girl was major at the time of leaving her house. The petitioner is in custody since 30.11.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the victim girl was major and further considering her statement under Section 164 Cr.P.C. and also considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Patna in connection with Special POCSO Case No. 164 of 2024 arising out of Sachivalaya P.S. Case No. 123 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the 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 court below.
- (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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