

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7266 of 2026

Arising Out of PS. Case No.-65 Year-2025 Thana- MADHWAPUR District- Madhubani

1. Chande Sahni @ Chanesuwar Sahni, aged about 53 years, Male, Son of Late Jagunanadan Sahni @ Yadu Nandan Sahni
2. Rohan Kumar Sahni @ Rohan Sahni, aged about 22 years, Male, son of chande Sahni @ Chanesuwar Sahni
Both are resident of Village -Karahuaghat, Ward No 8, PS -Saharghat, District -Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Laxman Sahni Son of Rajendra Sahni Resident of Village -Karahuaghat, Ward No 8, PS -Saharghat, District -Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr.Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr.Anand Kishore Choudhary, APP
For the informant	:	Mr. Ratanakar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 12-05-2026 Heard Mr. Gagan Deo Yadav, learned counsel appearing on behalf of the petitioners; Mr. Anand Kishore Choudhary learned APP for the State and Mr. Ratanakar Jha, learned counsel for the informant.

2. The petitioners seek pre-arrest bail in connection with Madhwapur P.S. Case No. 65 of 2025 registered for the offence(s) punishable under Sections 137(2),96,3(5) of the BNS.

3. As per the allegations made in the FIR, the accused persons named therein, including the petitioners, allegedly kidnapped the informant's minor daughter with the intention of



either selling her or causing her death.

4. Learned counsel appearing on behalf of the petitioners submitted that the statement of the victim was recorded under Section 183 of the BNSS, wherein she stated that petitioner nos. 1 and 2, who are father and son respectively, had forced her to marry with one co-accused, Ajay Kumar, son of Channu Sahani. It is contended that, in fact, the petitioners have no relationship either with the said Ajay Kumar or his father, Channu Sahani, and therefore, the allegation that they forced the minor daughter of the informant to marry with Ajay Kumar does not arise. It is further submitted that although the victim, in her statement under Section 183 BNSS, supported the prosecution case, she did not allege any physical or sexual assault against the petitioners. Learned counsel argued that the allegations relating to kidnapping and forced marriage appear doubtful, particularly in view of the delay, as the victim's statement under Section 183 BNSS was recorded on 10.12.2025, whereas the FIR had been instituted on 18.05.2025. According to the petitioners, such delay *prima facie* weakens the allegation of kidnapping. Petitioners have clean antecedents. On these grounds, the petitioners seek to be released on pre-arrest bail.



5. *Per contra*, Mr. Ratanakar Jha, learned counsel has tendered his appearance on behalf of the informant and submitted that the petitioners had remained absconding for nearly seven months from the date of institution of the F.I.R. till the recording of the statement of the victim girl. It has further been contended that, in the facts and circumstances of the case, the complicity of the petitioners in the alleged kidnapping and forced marriage of the informant's minor daughter cannot be denied. On these grounds, it is urged that the petitioners do not deserve to be released on pre-arrest bail.

6. Learned APP for the State also vehemently opposed the prayer for anticipatory bail.

7. Having heard the rival submissions made on behalf of the parties and upon perusal of the FIR, the materials collected during investigation, and the statement of the victim recorded under Section 183 BNSS, this Court finds that the victim has supported the prosecution case. In her statement, she specifically stated that petitioner no. 1, along with his son aged about 22 years (petitioner no. 2), had compelled her to marry with one Ajay Kumar, son of Channu Sahani. However, there is no material on record to establish whether the said Ajay Kumar had any prior relationship with the victim. I find that in absence



of any specific allegation made by the victim with regard to the complicity of the petitioner no.1 in the alleged offence, I find it proper to direct the learned District Court to verify the material on record and see that the victim after having solemnized marriage was living with the family members of Ajay Kumar, Son of Channu Sahani. In case, the learned District Court finds that the victim is living happily with her husband Ajay Kumar **then in that case, the learned District Court shall pass a fresh order in accordance with law without being prejudiced by its earlier order dated 28.11.2025, rejecting the prayer for bail of the petitioner no. 1 forthwith, preferably within one week.**

8. So far as petitioner no.2 is concerned, he is aged about 22 years and has just emerged as an adult. Moreover, no specific overt act has been alleged against him involving any physical or sexual assault upon the victim. In such circumstances, **I am of the opinion that petitioner no.2 has, *prima facie*, made out a case to be released on pre-arrest bail.**

9. **The petitioner no.2, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of**



four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ VII POCSO, Madhubani / Concerned Court in connection with Madhwapur P.S. Case No.65 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner no.2 and if it is found that the petitioner no.2 is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force with respect to petitioner no.2.

11. The bail application stands disposed of.

(Purnendu Singh, J)

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