

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26421 of 2023

Arising Out of PS. Case No.-03 Year-2023 Thana- NADI P.S. District- Patna

1. Madan Sahni Son of Mangal Sahni @ Ramji Sahni Resident of Village- Banstal, Ps- Nadi Distt- Patna
2. Tipu Sahni @ Deepak Kumar Son of Mangal Sahni @ Ramji Sahni Resident Of Village- Singhpur, Ps- Asson, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36138 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- NADI P.S. District- Patna

1. Moti Sahni @ Moti Kumar S/O Mangal Sahni @ Hira Sahni @ Ramjee Kevat R/O Village- Banstal, P.S- Nadi, Distt.- Patna.
2. Mangal Sahni S/O Hira Sahni R/O Village- Banstal, P.S- Nadi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26421 of 2023)

For the Petitioner/s : Mr.Priya Ranjan Prasad

For the Opposite Party/s : Mr.Yogendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 36138 of 2023)

For the Petitioner/s : Mr.Priya Ranjan Prasad

For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 27-01-2026 **Cr. Misc. No. 26421 & Cr. Misc. No. 36138 of 2023**

Heard the parties.

2. At the outset, it is pointed out by learned counsel

for the petitioner that in Cr. Misc. No. 36138 of 2023 petitioner

no. 1 namely Moti Sahni @ Moti Kumar died during the present

proceeding, therefore, his prayer of anticipatory bail may be



permitted to withdraw.

3. Considering the aforesaid, anticipatory bail *qua* petitioner no. 1 namely Moti Sahni @ Moti Kumar in Cr. Misc. No. 36138 of 2023, stands dismissed being infructuous.

4. Now Cr. Misc. No. 36138 of 2023 survives only *qua* petitioner no. 2 namely Mangal Sahni.

5. The accused/petitioners are named in the F.I.R. and apprehended their arrest in connection with Nadi P.S. Case No. 03 of 2023 registered for the offences punishable under Section 366(A)/34 of the Indian Penal Code.

6. As per FIR, informant raised suspicion against petitioners being friend of co-accused Moti Sahni to kidnap the minor daughter of informant aged about 13 years for the purpose of illicit intercourse or marriage with other person.

7. Learned counsel appearing on behalf of the petitioners submitted that after recovery of victim when her statement was recorded under Section 164 of the Cr.P.C., she categorically stated that her mother assaulted her as she was talking with some boy (without disclosing his name) and left her parental home. It is submitted that victim not even whispered anything incriminating about these petitioners *qua* involvement with the present crime in question. While concluding the argument



learned counsel submitted that petitioners are men of clean antecedent.

8. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

9. In view of aforesaid facts and circumstances and by taking note of the fact as statement of victim as recorded under Section 164 of the Cr.P.C., prima-facie nowhere suggests any overt act attributed against petitioners *qua* crime in question, accordingly the petitioners namely **Madan Sahni, Tipu Sahni @ Deepak Kumar in Cr. Misc. No. 26421 of 2023 & Mangal Sahni in Cr. Misc. No. 36138 of 2023**, in the event of their arrest or surrender before the learned trial court 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 J.M. Ist Class, Patna City/concerned trial court where the case is pending in connection with Nadi P.S. Case No. 03 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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