

Chandan Sahni vs The State Of Bihar on 23 August, 2022

Author: Arun Kumar Jha

Bench: Arun Kumar Jha

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63612 of 2021
Arising Out of PS. Case No.-30 Year-2019 Thana- MAJORGANJ District-
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Chandan Sahni, Son of Late Ram Vinay Sahani, Resident of Village - Jank
Nagar, P.S.- Majorganj, District - Sitamarhi.

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

4 23-08-2022

Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Majorganj P.S. Case No. 30 of 2019 registered for the alleged offences under Sections 363 and 366A/34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co- accused persons kidnapped the minor daughter of the informant and took her away and concealed her somewhere.

The learned counsel for the petitioner submits that the statement of victim girl was recorded under Section 161 Cr.P.C. Patna High Court CR. MISC. No.63612 of 2021(4) dt.23-08-2022 as well as 164 Cr.P.C. In the statement before the police as well as before the Magistrate, the victim girl specifically stated that she went away with this petitioner out of her sweet will. Both of them went to Punjab and solemnized their marriage in a temple and started living in her matrimonial home along with the petitioner and she gave birth to a child who was aged about 10 months at the time of recording her statement from this petitioner. The learned counsel further submits that the victim girl was kept in C.W.C, and her custody was handed over to her mother-in-law and she has been living in her

matrimonial home. Co-accused Ajay Sahani has been granted bail by a Co-ordinate Bench vide order dated 18.02.2020 passed in Cr. Misc. No. 68827 of 2019. Learned counsel further submits that the victim girl has attained sense of maturity and understanding and has solemnized marriage with the petitioner and so her minority would not come in the way of her conduct of elopement. The petitioner is in custody since 24.08.2021 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the victim girl was a minor and so her consent is immaterial. However, she concedes about the fact that victim girl recorded statement under Section 164 Cr.P.C. wherein she Patna High Court CR. MISC. No.63612 of 2021(4) dt.23-08-2022 stated that she was not kidnapped and she went with the petitioner out of her sweet will.

Perused the records.

Having regard to the submissions made on behalf of the parties and considering the fact that the victim girl denied her kidnapping and notwithstanding the claim of the informant about her minority and also considering the birth of the child to the petitioner and the victim girl and further considering the submission of charge-sheet and the period of the custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge- VI, Sitamarhi in connection with Majorganj P.S. Case No. 30 of 2019, 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 Lakshminiya Devi, mother of the petitioner, who has sworn the affidavit in this case.
- (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 Patna High Court CR. MISC. No.63612 of 2021(4) dt.23-08-2022 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) Rajnish/-

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