

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 46157 of 2014

Arising Out of PS.Case No. -211 Year- 2014 Thana -SARAIYA District- MUZAFFARPUR

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Shyam Sahni @ Shyam Kumar Sahni Son of Jagdhar Sahni Resident of
village - Madhaul, P.S. Saraiya, District – Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4. 03.03.2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in Saraiya P.S. Case
No. 211 of 2014 dated 13.06.2014 instituted under Sections
376 of the Indian Penal Code and 8/18 of The Protection of
Children from Sexual Offences Act, 2012.

Learned counsel for the petitioner submits
that though as per the allegation, he has committed rape on
the victim girl but the same is false and due to land dispute,
he has wrongly been implicated. It is submitted that there is
no explanation as to why the girl did not raise any cry or
speak a few words and make noise. It is further submitted
that the medical report has not found any injury and also no
spermatozoa has been found.

Learned A.P.P., upon going through the case
diary, opposes the prayer for bail. He submits that the girl is

dumb and able to only make a few noises and in her statement recorded before the Court under Section 164 of the Code of Criminal Procedure, 1973, with the help of expert, she has stated that her mouth was shut so that she could not raise any alarm and that rape was committed on her. It is further submitted that the mother of the victim has found the bed as well as the cloth worn by the victim being wet and further the trouser of the petitioner was also found wet and though the same may not have been sent for examination but they are indicative of the fact that the petitioner did commit crime and further that he was caught after chase soon after the occurrence.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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