

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10244 of 2016

Arising Out of PS.Case No. -441 Year- 2013 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. GOBINDA SAHANI @ GOVINDA SAHANI son of Uma Sahani
Resident of Village- Jhakhia, P.S.- Banjariya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 26-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with POCSO
Case No. 09 of 2014 arising out of Turkaulia P.S. Case No. 441 of
2013 registered for the offences punishable under Sections 363,
376(C), 120-B of the Indian Penal Code and Section 6 of POCSO
Act.

The allegation against the petitioner is that he and co-
accused Kapil Sahni and Sashi Sahni committed rape with Laila,
aged 12 years, the daughter of the informant after bringing her in
the house of Bagar Sahni.

Submission is of false implication and that during

investigation the statement of the victim girl has been recorded wherein, she has stated that four persons committed rape with her and also named Bagar Sahni and, as such, there is contradiction and Bagar Sahni has been allowed bail by this Court.

The learned A.P.P. opposes the prayer of bail by submitting that earlier the prayer of bail of Bagar Sahni was rejected thrice by this Court and thereafter he has been granted bail after considering his custody.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail at this stage and accordingly, his such prayer stands rejected in connection with POCSO Case No. 09 of 2014 arising out of Turkaulia P.S. Case No. 441 of 2013 pending in the court of 1st Additional Sessions Judge-cum- Special Judge at Motihari, East Champaran.

(Jitendra Mohan Sharma, J)

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