

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29551 of 2016

Arising Out of PS.Case No. -163 Year- 2015 Thana -KHODAWANPUR District- BEGUSARAI

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Krishna Sahni @ Hare Krishna Sahni Son of Ram Badan Sahni Resident of
Village- Akamba Sekhe tola, P.S. Khodawandpur District Begusarai Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Adv.

For the Opposite Party/s : Mrs. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 29-09-2016 Heard both sides.

The petitioner apprehends his arrest in Khodawandpur
P.S. Case No. 163/2015, registered for the offences punishable
under Section 376(G) of the Indian Penal Code and Sections 6 and
8 of P.O.C.S.O. Act.

The prosecutrix alleged that firstly Santosh Sahni
dragged her into maize field and committed rape with her, but she
did not raise alarm because Santosh Sahni threatened her and
disclosed that he had taken her photographs with the help of
Krishna Sahni @ Hare Krishna Sahni (petitioner). She further
alleged that on 07.07.2015 Krishna Sahni and Santosh Sahni
committed rape with her one by one. The victim disclosed this fact
to her mother, but the accused persons drove her mother. There

was panchayati.

Ms. Soni Shrivastava learned counsel for the petitioner submits that the victim of course named the petitioner that he also committed rape with her, but during the course of investigation father, mother and other witnesses have stated that the petitioner happens to be cousin brother of the father of the victim. The panches disclosed that the father of the victim only complained about Santosh Sahni and he did not make any allegation against the petitioner. The police after investigation submitted final form finding the case false against the petitioner and true against Santosh Sahni, but learned Chief Judicial Magistrate had taken cognizance against the petitioner also.

Santosh Sahni has already been enlarged on regular bail. From the facts it appears that the victim made specific allegation that on 07.07.2015 the petitioner along with Santosh Sahni committed rape with her one by one. The victim made her statement under Section 164 Cr. P.C. and she reiterated the facts. There is no reason to disbelieve the statement of the victim.

Considering the facts aforesaid and the nature of allegation against the petitioner, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below within four weeks from the date of receipt/production of a copy of this order, his prayer for regular bail shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

Vinita/-

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