

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46743 of 2015

Arising Out of PS.Case No. -103 Year- 2015 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Amrendar Sahni @ Amrendra Sahani, Son of Bhimal Sahani
 2. Rishi Sahni @ Rishi Sahani, Son of Wakil Sahni, resident of village-
Musawa, P.S.- Sugauli, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Bhanu Pratap Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

7 11-01-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners seek bail in Sugauli P.S. Case No. 103 of
2015 registered for the offences punishable under Section 376(D), 328,
342/34 of the Indian Penal Code and under Section 6 of Protection of
Children from Sexual Offences Act.

Allegedly, the petitioners brought the informant in the
house and committed sexual assault with her and thereafter other co-
accused administered poison and threw her away.

Submission is of false implication and that the informant
in her statement recorded under Section 164 of Cr.P.C. has not stated
regarding sexual assault committed upon her by the petitioners and
further she has not stated the name of other co-accused, she has been

medically examined and no sign of sexual intercourse has been found, but she was found pregnant and it goes to show that the informant was having sexual relation with someone from earlier, the informant has filed Complaint Case No. 1506 of 2015 giving rise to Sugauli P.S. Case No. 319 of 2015, wherein she has not levelled any allegation against the petitioners and as such the petitioners, who are suffering in custody since 15.04.2015 and 02.06.2015, respectively, deserve sympathetic consideration.

The learned A.P.P. fairly submits that there is contradiction in the statement recorded under Section 164 Cr.P.C. and the written statement giving rise to this case and further in his Complaint Case, the informant has not stated anything against the petitioners and has stated regarding the innocence of the petitioners.

In the facts and circumstances stated above, considering that the informant is changing her version from time to time and in the statement recorded under Section 164 Cr.P.C., she has not stated regarding sexual assault committed upon her by the petitioners and further in the Complaint Case, she has stated regarding the innocence of the petitioners and, as such, petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum- Special Judge, POCSO Act, East Champaran at Motihari in connection with Sugauli P.S. Case No. 103 of 2015, subject to the conditions that one

of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail

(Jitendra Mohan Sharma, J)

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