

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3283 of 2018

Arising Out of P.S.Case No. -60 Year- 2017 Thana -GADHPURA District- BEGUSARAI

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Arvind Sahni @ Arvind Kumar Sahni, S/o Guneshvar Sahani, resident of
Village- Manikpur, P.S.- Garhpura, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shyameshwar Dayal, Advocate

For the Opposite Party : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 02-02-2018

Heard.

The petitioner apprehends arrest in connection with
POCSO Case No.43 of 2017 registered for an offence under
Sections 376 and other Sections of the IPC.

The petitioner along with other accused are said to
have committed rape against the daughter of the informant.

It is submitted that there is no independent witness of
the occurrence. The son of the informant Nitesh Kumar and
Mukesh Sahni have made attempt to commit murder of the cousin
of this petitioner and had also extended threatening of dire
consequences to his aunt and her family members and for the said
occurrence, his aunt Sunita Devi has lodged FIR on 11.06.2017
and due to aforesaid grudge, the informant has falsely implicated



the petitioner in this case. He further submits that the occurrence is said to be of 08.06.2017 but the FIR has been lodged after inordinate delay more than four months without assigning any reason. He further submits that the statement of victim was recorded under Section 164 of the Cr.P.C. after 25 days. The victim was produced for medical examination but she did not face the medical examination rather escaped from the hospital along with her family members. He further submits that the co-accused Govind Sahni @ Govind Sahani who allegedly committed rape has been granted regular bail by a coordinate Bench of this Court in Cr.Misc.No.53048 of 2017.

However, learned APP opposed the submissions.

Considering the aforesaid facts and circumstances, the prayer for anticipatory bail is allowed. Let the above named petitioner in the even of his arrest or surrender before the court below within six weeks from today be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, POCSO Act, Begusarai in connection with POCSO Case No.43 of 2017 arising out of Garhpura P.S.Case No.60 of 2017 (G.R.No.2539 of 2017) subject to the conditions as laid down under Section 438(2) of the



Cr.P.C. with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

B.Kr./-

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