

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6550 of 2019

Arising Out of PS. Case No.-65 Year-2018 Thana- MAHILA P.S. District- Siwan

MATHURA SAHANI Son of Late Sunder Sahani Resident of Village -
Biswania, Police Station- Darauli in the district of Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 28-03-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Siwan Mahila P.S. Case No. 65 of 2018
registered for the offence punishable under Sections 376(A.B.)
of the Indian Penal Code and Section 4/8 of POCSO Act.

Informant is the mother of victim, who in her written
complaint has stated that on 09.09.2018 when she returned to
her house in the evening after work she found her daughter to be
disturbed and mum. On 12.09.2018 her daughter stated that
petitioner aged about 70 years took her in a bush and committed
rape upon her. Informant has further stated that she came to
have knowledge about the occurrence on 12.09.2018 and lodged
the FIR on 13.09.2018.

It has been submitted on behalf of the petitioner that
he is innocent and has been falsely implicated in this case due to



previous enmity and land dispute. According to medical report, there is no sign of sexual assault. Victim is deaf and dumb as well as mentally challenged, as such she could not narrate the incident as alleged in the FIR. Petitioner has no criminal antecedent and he is in custody since 04.10.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-I-cum-Special Judge, Siwan, in connection with Siwan Mahila P.S. Case No. 65 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or



the witnesses of the case, in that case, prosecution
will be at liberty to move for cancellation of bail of
the petitioner.

(S. Kumar, J)

veena/-

U		T	
---	--	---	--

