

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11798 of 2019**

Arising Out of PS. Case No.-37 Year-2018 Thana- MAHILA PS District- East Champaran

1. ARUN KUMAR @ ARUN SAHANI Son of Late Banarsi Sahani Resident of Village - Bhutaha, P.S.- Motihari Mufassil, Distt.- East Champaran.
2. Dhruv Sahani Son of Late Banarsi Sahani Resident of Village - Bhutaha, P.S.- Motihari Mufassil, Distt.- East Champaran.
3. Bhulan Sahani Son of Late Banarsi Sahani Resident of Village - Bhutaha, P.S.- Motihari Mufassil, Distt.- East Champaran.
4. Om Prakash Sahani Son of Late Banarsi Sahani Resident of Village - Bhutaha, P.S.- Motihari Mufassil, Distt.- East Champaran.
5. Lochan Sahani Son of Late Bhikhar Sahani Resident of Village - Bhutaha, P.S.- Motihari Mufassil, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rakesh Kumar No.1  
For the Opposite Party/s : Mr.Ram Priya Sharan Singh

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      29-04-2019                      This application, for grant of anticipatory bail, arises out of Motihari Mahila P.S. Case No. 37/18, disclosing offences under Sections 447, 341, 342, 354(A), 354(B), 504, 323, 506, 376, 511/34 of the Indian Penal Code and Section 7/8 of POCSO Act.

Allegation as per F.I.R is that petitioner no. 1 tried to commit rape with the informant, who is minor and when her mother came to save her other accused person abused and assaulted her and also tore her clothes.



Submission of learned counsel for the petitioners is that except petitioner no. 1, no specific allegation has been attributed to any of the petitioners and petitioner no. 1 has also been falsely implicated in this case and in fact, no such occurrence has ever taken place.

Learned counsel for the State opposed the prayer for bail and submitted that there is direct allegation against petitioner no. 1, who tried to commit rape upon the informant, who is minor and others assaulted and abused and also tore the clothes of her mother, when she came to save her.

Having heard both sides, considering the facts and circumstances, so far petitioner no. 1 is concerned, I am not inclined to grant him the privilege of anticipatory bail rather he should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

So far other petitioners are concerned, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five



Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Motihari Mahila P.S. Case No. 37/18, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

With the above observation, this application is disposed of.

**(Vinod Kumar Sinha, J)**

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