

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7100 of 2020**

Arising Out of PS. Case No.-175 Year-2019 Thana- BHAGWANPUR District- Vaishali

BIHARI SAHNI S/o Narayan Sahni R/o village- Banthu, P.S.- Bhagwanpur,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Pramod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

3 05-06-2020 Due to COVID-19 Pandemic, the matter is being taken up
by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 341, 323, 376, 379, 34 of the Indian Penal
Code and 4, 8 and 12 of the POCSO Act.

The prosecution allegation, in short, is that the minor
daughter of the informant was forcefully taken by the accused
persons and committed rape on her by them. Thereafter on protest,
the accused persons came to the shop of the informant and looted
articles as also cash.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 21.10.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The medical examination report is in the Case Diary. As per the medical examination report, no spermatozoa is found nor any recent sexual intercourse is found. The medical examination report of the victim does not support the allegations made in the F.I.R.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of 1st Additional Sessions Judge-cum- Special Judge, Vaishali in connection with Bhagwanpur P.S. Case No. 175/19.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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