

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30445 of 2020**

Arising Out of PS. Case No.-187 Year-2018 Thana- ROSERA District- Samastipur

VIRENDRA KUMAR SAHNI Son of Suraj Sahni @ Surya Narayan Sahni
Resident of Village- Ward No. 1, Milki Rajwara, P.S.- Rosera, District-
Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-11-2020 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start

of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Sanjay
Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Rosera P.S. Case No. 187/2018 registered for the

offences punishable under Section 376/511, 457 of the Indian

Penal Code and Section 12 of the POCSO Act corresponding to

Trial No. 127 of 2020.

Learned counsel for the petitioner submits that in the

First Information Report it was alleged that while the victim girl

was slipping at the Varandah of her house at about 12:00 in night

she sensed that someone was attempting to rape on her. She had



allegedly identified this petitioner and alleged that he had pressed her mouth but somehow the informant forcibly raised alarm but then the accused-petitioner fled away.

Learned counsel submits that the petitioner happens to be a neighbour of the informant and it is his submission that the case itself was lodged with an intention to falsely implicate him. Learned counsel has drawn attention of this court towards the deposition of the victim girl and her mother in course of trial. The victim girl as well as her mother have categorically stated that there was an unknown person who was allegedly trying to commit rape on her. The victim girl has stated that she had never seen this petitioner and he was not there at the time of alleged occurrence. She has also denied the contents of the F.I.R. Similarly her mother has stated that this petitioner is a person of good character and he is in the same Tola/Mohalla. She has also stated that she has not identified this petitioner.

Learned counsel submits that considering the kind of materials which have been brought to the notice of this Court and the fact that the petitioner is in custody in connection with this case since 24.11.2019 i.e. for a complete one year and during this Covid-19 period the trial is not proceeding and despite there being no material against him he is likely to remain languishing in jail, his prayer for regular bail may be considered keeping in view the materials on the record.



Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner saying that the trial of the case is going on but he does not deny that during Covid-19 period the trial has not proceeded and is not likely to be concluded very soon.

Having regard to the facts and circumstances of the case particularly the deposition of the victim girl and her mother which have been brought to the notice of this Court, this Court is inclined to grant regular bail to the petitioner, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - 1st – cum – Special Judge (POCSO Act), Samastipur, in connection with Rosera P.S. Case No. 187/2018, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with



the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

Further condition that the petitioner shall participate in course of trial by putting his appearance on each and every date fixed in the matter and two consecutive defaults in putting appearance in the trial court shall invite cancellation of bail of the petitioner.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

