

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34096 of 2020**

Arising Out of PS. Case No.-252 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Sri Niwas Sahni, Son of Suresh Sahni, Resident of Village - Pahetiya, P.S.-
Hajipur Sadar in the district of Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, A.P.P.

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

2 15-12-2020 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.
Narendra Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with POCSO Case No. 35 of 2019 arising out of
Hajipur Sadar P.S. Case No. 252 of 2019 registered for the
offence under Sections 341, 323, 324, 354(B), 379/34 of the
Indian Penal Code and Sections 8, 12 of the POCSO Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case due to village politics. Learned counsel submits that the



informant as well as the petitioner's side are own gotias. It is submitted that the petitioner has no criminal antecedent and he has remained in jail in connection with this case since 16.08.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed from the submission of learned counsel for the petitioner that from the First Information Report itself it will appear that the informant as well as the petitioner's side are own gotias and prior to the alleged occurrence, in the morning of 24th April, 2019 there had been a quarrel between the parties when the she-goat of the informant's side had entered into the fields of the accused persons but then the said quarrel was amicably resolved, the submission is that on the next day a false story has been created by the informant that at about 7.30 P.M. while the victim girl was going to her house, the two accused persons intercepted her and wanted to forcibly take her to their house and then in the said attempt the cloths of the victim girl were torn, the submission that as per the F.I.R. the victim girl was able to shout and then she was assaulted by the accused side but no injury has been reported on



her body and further submission of learned counsel for the petitioner that the petitioner has remained in jail in connection with this case since 16.08.2020, investigation against him is complete and given the entire facts and circumstances of the case it is nothing but a false implication of the petitioner due to village politics, the petitioner has otherwise no criminal antecedent and there being no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, 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-I-cum-Special Court, Vaishali at Hajipur in connection with POCSO Case No. 35 of 2019 arising out of Hajipur Sadar P.S. Case No. 252 of 2019, 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

