

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70786 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- UJIYARPUR District- Samastipur

1. Ajay Sahni @ Ajay Kumar Sahni, Son of Shivjee Sahni Resident of Village- Lohagir Malikana, P.S.- Ujiyarpur, District- Samastipur.
2. Lal Babu Sahni Son of Shivjee Sahni Resident of Village- Lohagir Malikana, P.S.- Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur- Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha- A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

5 16-09-2020 Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend their arrest in connection with Ujiyarpur P. S. Case No.87 of 2019 registered for the offences punishable under Section 376/ 34 of the I.P.C.

There is allegation of gang rape against the petitioners.

Learned counsel appearing for the petitioners submits that initially, informant filed complaint case against the petitioners and two others, which was converted into the above stated Ujiyarpur P. S. Case No.87 of 2019. He further submits



that as a matter of fact, the informant is married lady and the name of her husband is Gunjesh Kumar Sahni, but she fell in love with co-accused Shravan Kumar Sahni and eloped with him. Subsequently, she came to her village and pressurized the family members of co-accused Shravan Kumar Sahni to keep her, but when the family members of Shravan Kumar Sahni refused to keep the informant with them, informant brought this false case. To fortify the above stated contentions, learned counsel for the petitioners drew attention towards Annexure-2, which are said to be photographs of informant and co-accused Shravan Kumar Sahni. He further submits that so far as the petitioners are concerned, they are cousin brothers of Shravan Kumar Sahni and that is the reason of their false implication.

However, the perusal of case diary, I find that the statement of informant has been recorded under Section 164 of the Cr.P.C. in which she specifically stated about the gang rape committed by petitioners and other accused. The perusal of case diary further goes to show that the witnesses have supported the prosecution story.

Regard being had to the above stated facts and circumstances of the case as well as submissions of the parties, I am not inclined to extend the privilege of anticipatory bail to



petitioners and, accordingly, their prayer for anticipatory bail stand rejected.

However, it is made clear that this order shall not cause any prejudice to concerned Court at the time of consideration of regular bail application of the petitioners.

(Hemant Kumar Srivastava, J)

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