

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14451 of 2021**

Arising Out of PS. Case No.-54 Year-2020 Thana- MAHILA PS District- Darbhanga

SHANKAR SAHNI S/o Late Dorik Sahni R/o village- Atarbel, P.S.-
Singhwara, District- Darbhanga Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh,Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary,APP

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

3 04-09-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Nitya Nand Tiwary, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Mahila P.S. Case No. 54 of 2020 & POCSO G.R. No. 47 of 2020 registered for the offences punishable under Sections 376 DA of the Indian Penal Code and 4/6 of POCSO Act.

In the First Information Report, it is alleged that the petitioner had taken the victim to his house where he committed rape and thereafter on the next day, while she was going to her house in a tempo, other persons came and they also committed rape.

Learned counsel for the petitioner submits that the victim girl has been found aged between 18-19 years and the kind of story advanced by her is simply not believable. She was arrested by police

with co-accused Vijay Kumar Yadav in the morning while she was there near a temple situated at a pond.

Learned counsel for the petitioner further submits that there are huge difference in the statement of the victim girl in the FIR and statement under Section 164 Cr.P.C.

On the other hand, Mr. Nitya Nand Tiwary, learned APP for the State has opposed the prayer for regular bail of the petitioner. Attention of this Court has been drawn towards the fact that in paragraph '7' of the case diary date of birth of the victim girl has been mentioned as per her school transfer certificate which is 25.11.2006 meaning thereby the victim girl is hardly aged between 13-14 years on the alleged date of occurrence.

Learned counsel submits that in the given facts and circumstances there is no variation in the statement of the victim girl as regards to the role of this petitioner who has raped her and this statement has come in 164 Cr.P.C. statement of the victim girl also.

Considering the facts and circumstances of the case, the gravity of the offence alleged and the materials discussed hereinabove, this Court is not inclined to release the petitioner on bail. The prayer for regular bail of the petitioner is, thus, refused.

This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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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'.