

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16587 of 2021

Arising Out of PS. Case No.-172 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

Ajay Sahni, male, aged about 34 years, Son of Kishori Sahni Resident of Village - Ghosaut, P.S.- Siwaipatti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-10-2021 The matter has been listed today for consideration through Video Conferencing.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Siwaipatti PS Case No.172 of 2019, instituted for the offence under Sections 341, 323, 354(B), 354(C), 376 and 511 of the Indian Penal Code.

Prosecution case in brief is that petitioner caught the informant and laid her on the bed and tried to commit rape with her and brother of the petitioner is alleged to have assaulted her



by fist and slaps causing scratch injury to her.

Petitioner's counsel submits that it is a case of false implication. Petitioner has not committed any offence. Petitioner has been implicated in the instant case due to enmity and village politics. Moreover, FIR has been lodged after ten days of the occurrence without any plausible explanation. Petitioner is in custody since 18.10.2020 though he has no criminal antecedents. Brother of the petitioner, namely, Sanjay Sahani has been granted the privilege of anticipatory bail in Cr. Misc. no. 31534 of 2020.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Muzaffarpur, in connection with Siwaipatti P. S. Case No. 172 of 2019, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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