

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18677 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- MAHILA P.S. District- Kishanganj

Kanhaiya Sahni, male, aged about 25 years Son of Ati Sahni @ Ati Lal
Resident of Village - Denga Basti, P.S.- Bahadurganj, Dist.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-11-2021 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 Mahila PS Case No. 44 of
2020 instituted for the offence under Section 376 of the Indian
Penal Code.

The petitioner is accused of having committed rape upon
the informant's daughter who, as per prosecution case, was 18
years of age.

Petitioner's counsel submits that there is stark variance
between the prosecution case as stated in the First Information



report and the statement of the alleged victim recorded under Section 164 Cr. PC, which is annexed as Annexure-3 to the bail petition. The victim has been examined two days after the alleged occurrence, wherein, no sign of violence or any injury has been found on her body. The medical does not support the allegation of rape. The petitioner is stated to be man of clean antecedents and he is in custody since 15.09.2020.

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 Additional District and Sessions Judge 1st -cum-Special Judge Kishanganj, in connection with Mahila (Kishanganj) PS Case No. 44 of 2020 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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