

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20630 of 2021

Arising Out of PS. Case No.-77 Year-2018 Thana- MAHILA PS District- East Champaran

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JITENDRA SAHANI Son of Ramayodhya Sahani Resident of Village-
Majurahan, P.S.- Turkauliya, Raghunathpur, O.P., District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376D, 341, 342 and 34 of the Indian Penal Code and sections 4 and 6 of the POCSO Act.

As per the prosecution case, the accused persons namely Jitendra Sahani, Achaldeo Sahani and Bhutan Sahani are stated to have caught hold of the informant while the petitioner and Bhutan Sahani committed rape on the minor informant.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. There is an unexplained delay of 9 days in giving information to the police and lodging of the F.I.R. although the police station is at a distance of 4 kilometers from the alleged



place of occurrence. Co-accused Bhutan Sahani has been enlarged on bail vide order dated 11.1.2021(Annexure-3) passed in Cr. Misc. no.33141 of 2020. Further referring to the said order dated 11.1.2021, it is submitted that medical report does not support the case of the prosecution and co-accused Achaldeo Sahani has been enlarged on bail vide order dated 2.12.2019 by the learned trial court. The petitioner is in custody since 13.5.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including grant of bail to the co-accused and the petitioner having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with Mahila P.S. Case no.77 of 2018 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran.

(Partha Sarthy, J)

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