

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.27669 of 2021**

Arising Out of PS. Case No.-289 Year-2020 Thana- BHAGWANPUR District- Vaishali

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SANNI DEVAL @ SANNI DEVAL SAHNI @ SANNI KUMAR, S/O  
Ramvilash Sahni @ Vilas Sahni Resident of Village - Wafapur Banthu, P.S. -  
Bhagwanpur, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Satya Prakash Sinha

For the Opposite Party/s : Mr. Iftekhar Mahmood

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

5      02-12-2021                      Heard the learned Counsel for the petitioner and  
  
learned Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises  
out of Bhagwanpur Police Station Case No. 289 of 2020,  
registered for the offences punishable under Sections 376/511  
of the Indian Penal Code and Section 6 and 8 of the POCSO  
Act.

The learned counsel for the petitioner submits  
that petitioner is custody since 21.01.2021 and is a person with  
clean antecedent and chargesheet has been submitted. The  
learned counsel further submits that from perusal of the  
allegation as alleged in the FIR, it would manifest that  
informant, Sangeeta Devi, alleges that on 14.11.2020 at about

7:00 A.M., informant along with her family member were engaged in worship in their house and her daughter (ex) was drawing Rangoli at the door of the house when this petitioner came gagged the mouth of her daughter and forcibly lifted her to desolated place, tour her cloth and push her on the ground and try to commit rape. But on alarm raised by her daughter, the villagers came and on seeing the villagers, this petitioner fled away.

Learned counsel for the petitioner submits that petitioner has falsely been implicated as it was the day of Diwali, so many villagers were there in the House and, as such, it does not appear probable that the petitioner would have committed such an occurrence and allegation is only of attempt.

The learned APP for the State vehemently opposes the prayer for bail application and submits that during the course of investigation, it has come that the child was minor and age about 9 to 12 years and a child of such impersonable age would not try to implicate an innocent person. Learned APP further submits that though it is an attempt to commit rape but the victim was minor, she was physically touched and thus offence under POCSO Act is made out.

In view of the submissions made by learned APP and State, the Court for the present is not inclined to enlarge the petitioner on bail. The petitioner will be at liberty to renew his prayer for bail in the event, if the trial does not commence.

**(Satyavrat Verma, J)**

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