

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18628 of 2020

Arising Out of PS. Case No.-250 Year-2019 Thana- HATHAURI District- Muzaffarpur

VIJAY SAHNI Son of Lakhichan Sahni @ Lakhindra Sahni Resident of
Jagarnath, Pitauihiya, P.S.- Hathauri, District - Muzaffarpur.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur,
Mr. Nilesk Kumar, Advocates.
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 25-06-2021 Heard Mr. Ajay Kumar Thakur, learned counsel for the
petitioner and Mr. Sanjay Kumar Singh, Additional Public Prosecutor
for the State through video conferencing.

2. Petitioner seeks regular bail in connection with
Hathauri PS Case No. 250/2019 registered for the offence punishable
under Section 376 of the IPC and Section 4/6 of the Protection of
Children from Sexual Offences Act (POCSO Act).

3. The allegation against the petitioner, as per First
Information Report, is that on 20.12.2019 at about 10:00 PM, while
sister of the informant aged about 13 years was sleeping with her
mother and when her mother went to bathroom, suddenly, petitioner
entered into the room and lifted the victim to the roof and committed
rape upon her.

4. Learned counsel for the petitioner submits that FIR
has been lodged after delay of four days on 24.12.2019 and the story



in the FIR is highly improbable inasmuch as a large number of family members reside in the said house and it is impossible and impracticable for a person to enter into the house and commit rape. Learned counsel further submits that medical examination of the victim girl was done and she was found to be aged about 17 to 18 years and no sign of rape was found in the said medical examination.

5. On the other hand, learned counsel for the State referring to statement made by the victim recorded under Section 164 CrPC, submits that the victim girl has fully supported the prosecution story.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the statement made by the victim girl recorded under Section 164 CrPC wherein she has fully supported the prosecution story, I am not inclined to grant regular bail to the petitioner. The same is, hereby rejected.

7. However, it is expected that the learned lower court will take necessary steps for completion of the trial as early as possible preferably within a period of one year.

(Anil Kumar Sinha, J)

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