

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32780 of 2020**

Arising Out of PS. Case No.-119 Year-2020 Thana- UJIYARPUR District- Samastipur

BHAGWAT SAHNI @ BHAGWAN SAHNI Son of Chhathu Sahni Resident
of Village- Saidpur Jhaid, Ward No. -5, P.S.- Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

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

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 18-01-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Ujiyarpur P.S. Case No.
119 of 2020, registered for the offence punishable under
Sections 376A, 376B of the Indian Penal Code and section 4/6
of the POCSO Act.

As per the prosecution case, on 08.05.2020 at 5.30
am, the wife of informant and daughter went to attend the call of
nature, in the meantime, this petitioner came there and dragged
his daughter in the maize field and committed unnatural offence.
On raising alarm, petitioner fled away from there.

It is submitted on behalf of the petitioner that due to
land dispute between the parties, this false case has been lodged.
Medical report as well as statement of victim under Section 164



Cr.P.C does not support the prosecution case. Petitioner is an old man suffering from mental disease and is in custody since 08.05.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific allegation against this petitioner of committing unnatural offence with a girl aged about 5 years.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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