

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.552 of 2021**

Arising Out of PS. Case No.-154 Year-2020 Thana- PATLIPUTRA District- Patna

SUNIL SAHNI Son of Late Rameshwar Sahni, Resident of Chero Bazar, P.S.  
- Chero, District - Nalanda, At present residing at Road No. -8, Baba Chowk,  
P.S. Patliputra, District - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                             |
|----------------------|---|-----------------------------|
| For the Appellant/s  | : | Mr.Pramod Kumar, Adv.       |
| For the Respondent/s | : | Mr.Vishal Kr. Singh, S.P.P. |
| For the Informant    | : | Mr.Deepak Kr. Singh, Adv.   |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      23-03-2021                      Heard learned counsel for the appellant and learned  
Special P.P. for the State.

By way of this memo of appeal under Sections 14  
(A) (2) of the Scheduled Caste and Scheduled Tribes  
(Prevention of Atrocities Act, 1989 appellant seeks for setting  
aside the order dated 04.11.2020 vide Special Case No. 72/2020  
in connection Patliputra P.S. Case No. 154/2020 and registered  
under Sections 377/306 of the Indian Penal Code, Section 4 of  
the POCSO Act and Sections 3 (2)(v) of the Scheduled Castes  
and Scheduled Tribes (Prevention of Atrocities) by the learned  
Additional Sessions Judge-1st, Patna.

Prosecution case in brief is that the informant  
Dinesh Kumar was his own younger brother aged about 15  
years, in the night he saw his younger brother was writing



something, thereafter, they slept. In the morning, his sister woke and the informant the other members of the house regarding commission of suicide by Dinesh by hanging himself. It is further alleged that having heard the news of occurrence so many people gathered there and police was also informed. On arrival of the police inquest report of the dead body was made and in course of search one envelop containing the suicidal note was recovered by the police in which the deceased had written about commission of unnatural sexual offence with him and on protest the later suggested him to commit suicide.

Learned counsel for the appellant submits that the appellant is innocent and has committed no offence but has been falsely implicated in this case. He further submits that there is no offence under Section 3 (2) (v) of the SC/ST Act is made out against the appellant. There is no eye witness of the alleged occurrence and the so called suicidal note is forged one prepared with a view to implicate the appellant in this case. There is no sign of sexual assault as per postmortem. The appellant is in custody since 10.04.2020.

Learned counsel for the informant submits that the doctor opined that cause of death was due to Asphyxia resulting from antemortum Compression of neck (hanging). However,



sexual assault cannot be ruled out.

Learned Special P.P. for the State opposed the prayer for bail and submit that the victim is aged about 15 years.

Considering the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Accordingly, the prayer for bail of the appellant is rejected.

Accordingly, this appeal is dismissed.

The trial court is directed to expedite the trial within nine months.

**(Anjani Kumar Sharan, J)**

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