

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2990 of 2021

Arising Out of PS. Case No.-87 Year-2019 Thana- UJIYARPUR District- Samastipur

1. AJAY SAHNI @ AJAY KUMAR SAHNI S/O SHIVJEE SAHNI R/O VILLAGE LOHAGIR MALIKANA P.S. UJIYARPUR, DISTRICT-SAMASTIPUR.
2. LAL BABU SAHNI S/O SHIVJEE SAHNI R/O VILLAGE LOHAGIR MALIKANA P.S. UJIYARPUR, DISTRICT-SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Pranav Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-06-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioners and the State.

The petitioners pray for grant of bail in a case registered for the offence punishable under section 376/34 of the Indian Penal Code.

As per prosecution case, petitioner along with other accused is alleged to have kidnapped the daughter of the complainant and committed rape upon her.

It is submitted on behalf of the petitioners that the alleged occurrence took place on 20.01.2019 and the complaint petition was filed after lapse of one month i.e. on 23.02.2019 and there is no explanation for the delay. In the medical report, doctor has not found



any sign of rape on the victim. It is further submitted that similarly situated co-accused has been allowed bail by this court (vide Annexure 2). Petitioners claim clean antecedent and are in custody since 04.11.2020.

Considering the delay in lodging the complaint, clean antecedent of the petitioners and their period of custody, this bail application is allowed. Let the petitioners be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge, Dalsingsarai, Samastipur in S.T. No. 36 of 2020 arising out of Ujiyarpur P.S. Case no. 87/2019 on the following conditions.

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

s.hassan/-

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