

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9261 of 2021

Arising Out of PS. Case No.-38 Year-2020 Thana- BUDHUCHAK District- Bhagalpur

Bikash Kuar Sahni @ Bikash Kumar Son of Shailesh Sahni @ Sahlendra
Sahni Resident of Village - Bhola Tola, P.S.- Budhuchak, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar
Shivani Kumari, D/o Dinesh Sahni, r/v-Bhola Tola, PS-Budhuchak, District-
Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 16-12-2021 As per service report, notice served upon opposite party no. 2 is valid and satisfactory, as opposite party no. 2 resides with her mother and her mother received the said notice.

In view of the aforesaid fact, notice be deemed validly served upon opposite party no. 2 and in spite of service of notice none appears on behalf of opposite party no. 2.

Heard both parties.

The petitioner seeks bail in Budhuchak P.S. Case No. 38 of 2020 corresponding to POCSO Case No. 62 of 2020, registered for the offence punishable under Sections 366(A), 376, 323, 341, 504, 506/34 of the Indian Penal Code and section 4 of the POCSO Act.

As per the FIR, this petitioner along with other



accused persons kidnapped the informant and this petitioner forcibly solemnized marriage and made physical relation with her. Later on, she was tortured by this petitioner and others, as a result of which she left her matrimonial home.

It is submitted on behalf of the petitioner that petitioner is physically handicapped person. As a matter of fact, informant and petitioner solemnized marriage at Baleshwar Temple in presence of both the families and thereafter, bond paper was executed by the petitioner and informant in presence of witnesses and their family members. Moreover, FIR was lodged after lapse of three months without any plausible explanation. Informant is major girl and aged about 21 years. The doctor has not found any external or internal injury on her body and there is no sign of rape. Still petitioner is ready to keep his wife (informant) with full dignity and honour. Petitioner is having clean antecedent and he is in custody since 18.06.2020. Chargesheet has already been submitted.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (POCSO)-cum-Additional Sessions Judge VII,



Bhagalpur in connection with Budhuchak P.S. Case No. 38 of
2020 corresponding to POCSO Case No. 62 of 2020.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

