

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10064 of 2021

Arising Out of PS. Case No.-38 Year-2020 Thana- MAHILA P.S. District- Siwan

DINESH SAHANI @ DIHESH KUMAR SAHANI CHHATHU SAHANI
RESIDENT OF VILLAGE- TIYAR, P.S.- ASAON, DISTRICT- SIWAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-07-2021

Heard learned counsel for the petitioner and learned counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Siwan Mahila P.S. Case no. 38 of 2020 registered under sections 376(AB) and 376(3) of the Indian Penal Code and sections 4 and 6 of the POCSO Act.

As per allegation in the FIR, it is stated by the informant that while she was sleeping at night, she felt that someone was pulling her hand. She saw the petitioner hanging from the wall. On raising hulla, her father and brother got up. They caught hold of the petitioner herein, however he managed to escape. It is further stated that over a period of time, the accused has committed rape on her on 3 to 4 occasions. He also threatened her with dire consequences, in case she disclosed about the occurrence.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and



concocted. The petitioner has been falsely implicated in the case. From perusal of the FIR together with statement of the informant under section 164 Cr.P.C, it would transpire that they were on friendly terms and the instant allegations have been made by her under pressure. The petitioner is in custody since 15.6.2020 and has no criminal antecedent. It is lastly submitted that even the medical report of the informant does not support the allegations of rape.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner as contained in the FIR which is supported by the statements of the witnesses recorded section 161 Cr.PC as also by the minor victim in her statement under section 164 CrPC, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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