

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6263 of 2022

Arising Out of PS. Case No.-3 Year-2021 Thana- MAHILA P.S. District- Samastipur

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PRAVIN SAHANI @ PRAVEEN SAHNI S/O HARI SAHNI @ HARI
NARAYAN SAHNI R/o village- Belari, Ward No. 01, P.S.- Ujiyarpur, Dis-
trict- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-08-2022 Heard learned counsel appearing on behalf of the pe-
titioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mahila
P.S. Case no. 03 of 2021 registered for the offence under Section
376 of the Indian Penal Code and Section 4 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.06.2022.

The allegation against the petitioner is to commit
rape/penetrative sexual assault upon minor daughter of the in-
formant.

Learned counsel appearing on behalf of the petitioner



submitted that there is dispute regarding money transaction between father of the petitioner and the informant, which is the reason behind lodging this present false case. It is also submitted that the medical report of victim girl is not supporting the allegation as regard to rape. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail of the petitioner submitted that the victim specifically alleged that petitioner committed rape upon her, through her statement recorded under Section 164 of the Cr.P.C. It is also submitted that rape is a legal finding not a medical one and in absence of any injury, it could not lead to a conclusion, *ipso-facto*, that rape was not committed upon.

In view of the submissions, as made above, as allegation against this petitioner, as regard to rape/penetrative sexual assault has been specifically supported by the victim through her statement recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the appellants is



rejected herewith.

Trial Court/Special Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within specified time as prescribed under Section 35 (2) of the POCSO Act, 2012.

Superintendent of Police, Samastipur is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court/Special Court, for expeditious disposal of trial, within specified time, as provided under law, mentioned above.

(Chandra Shekhar Jha, J)

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