

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22328 of 2021**

Arising Out of PS. Case No.-171 Year-2020 Thana- KEWATI District- Darbhanga

Prakash Sahni Son Of Late Nanda Sahni R/O Village- Keoti, P.S.- Keoti,  
District- Darbhanga. ... .. Petitioner/s

Versus

The State of Bihar. ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      25-01-2022                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State in Virtual Court  
proceeding.

Let the defects, as pointed out by the office, be  
removed within four weeks of start of normal functioning of the  
physical court.

Petitioner seeks bail in connection with Keoti P.S.  
Case No. 171 of 2020 registered for the offences punishable  
under Sections 376, 511 of the Indian Penal Code and Section 6  
and 12 of the Protection of Children from Sexual Offences  
(POCSO) Act, 2012.

According to prosecution case, the informant Poonam  
Devi in her written report stated that while her daughter was  
playing outside of the house, the accused Prakash Sahani  
reached there and took away her daughter and committed rape  
with her.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and has committed no offence. He further submits that the petitioner has falsely been implicated in the present case. It has also been submitted that the entire prosecution story is false and fabricated. Apart from that, there is inordinate delay of six days in lodging the present F.I.R. Petitioner is in custody since 26.11.2020.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail on the basis of the material available on record and the case diary submitting that there is specific allegation against the petitioner that he has attempted to rape the victim girl, who is only five years old. The victim in her statement under section 161 and 164 Cr.P.C. has supported the allegation against the petitioner. Apart from aforesaid during investigation the witness also supported the allegation as alleged in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of bail to the petitioner and accordingly, the same stands rejected.

However, the learned trial court is directed to expedite the trial.

**(Rajesh Kumar Verma, J)**

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