

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31947 of 2021

Arising Out of PS. Case No.-317 Year-2020 Thana- BENIPATTI District- Madhubani

NAWAL SAHNI Son of Shushil Sahni Resident of Village - Benipatti
Hospital Chowk, P.S. - Benipatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur,
Mr. Shivam, Advocates.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-03-2022 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Nawal Kishore Prasad, Additional Public
Prosecutor for the State.

Petitioner seeks regular bail in connection with
Benipatti PS Case No. 317/2020 registered for the offence
punishable under Sections 448, 341, 323, 354(B), 386, 504, 506
of the IPC and under Section 7 & 8 of the POCSO Act.

As per First Information Report, the informant has
stated that when she had gone to the Sadar hospital for treatment
of snake bite of her elder daughter, her younger daughter aged
about 10 years was alone at home and the petitioner, allegedly,
abused the younger daughter of the informant
sexually/physically.

Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to business dispute between the second husband of the informant and the petitioner inasmuch as both of them had purchased a vehicle for plying it on hire basis but the second husband of the informant started using the vehicle for selling illicit liquor in which the petitioner was also made an accused and when the petitioner objected to the conduct of the second husband, he has been implicated in this case. Learned counsel further submits that during course of investigation no material has come against the petitioner and even the statement of the victim child has not been recorded under Section 161 or under Section 164 of the CrPC. It is next submitted that petitioner is in custody since 29.12.2020.

On the other hand, learned counsel for the State referring to the case diary submits that no material has come against the petitioner during course of investigation and it appears that the police has conducted the investigation in a perfunctory manner and has filed charge-sheet.

Having regards to the submissions made by the parties and taking into consideration the strained relationship between the second husband of the informant and the petitioner and



further, no *prima facie* material has come against the petitioner during course of investigation and the petitioner is in custody since 29.12.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, NAWAL SAHNI be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Madhubani in connection with Benipatti PS Case No. 317/2020.

(Anil Kumar Sinha, J)

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