

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25812 of 2022

Arising Out of PS. Case No.-26 Year-2019 Thana- LALGANJ District- Vaishali

Lakindra Sahni S/o Sri Ram Sanahi Sahni R/o village- Etbarpur, P.S.- Lalganj,
District- Vaishali

... .. Petitioner

Versus

1. The State of Bihar
2. Nisha Kumari D/o Shravan Sharma R/o village- Etbarpur, P.S.- Lalganj,
District- Vaishali (Informant)

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Sarwan Kumar, Senior Advocate Mr. Krishna Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2022 Heard Mr. Sarwan Kumar, learned Senior Counsel
for the petitioner and the learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Lalganj P.S. Case No. 26 of 2019 under sections 341, 323, 354,
506 of the Indian Penal Code and Section 8 and 12 of the
POCSO Act.

As per the prosecution story, when the victim girl
was returning home along with her younger brother and grand-
mother, it is alleged that accused-petitioner herein who was in
drunken condition, pushed the victim girl on the ground and



acted indecently. As the brother and the grand-mother raised 'hulla', he fled away from the place. Later, the informant's family members were threatened that in case they took up the matter, dire consequences will follow.

The learned Senior Counsel submits with the help of para-10 of the bail application that post FIR, no progress have taken place and three years later on 21.3.2022, statement of the victim girl was recorded under section 164 of the Cr.P.C. in which she exaggerated the matter saying that she was molested too on the basis of thereof, the petitioner was arrested on the same day. He submits that neither he was absconding nor the police took steps for his arrest and as such the delay in his judicial custody for three years is not deliberate. He lastly submits that the petitioner has no criminal antecedent.

Taking into account the aforesaid facts as also that the charge-sheet stands submitted and the petitioner has no criminal antecedent as also that he is in custody since 21.3.2022, this Court is inclined to grant him the privilege.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District Judge VI cum Exclusive Special Court POSCO,



Vaishali, in connection with Lalganj P.S. Case No. 26 of 2019
subject to the following conditions:

(i) one of the bailors should be the family members of
the petitioner, who shall provide official document to show
his/her bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reasons will entail his cancellation of
bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or
threat the witnesses or tamper with the evidence, failing which
the State shall be at liberty to take steps for cancellation of his
bail bonds.

With the aforesaid observations, the bail
application is allowed.

(Rajiv Roy, J)

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