

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31839 of 2022

Arising Out of PS. Case No.-90 Year-2021 Thana- SONEPUR District- Saran

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Krishna Kumar Sahani S/O Chandrika Sahani, R/o Village - Saidpur (Amar Sing Aasthan), P.S.- Sonpur, District- Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Anand, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 25-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sonepur (Pahleja) P.S. Case No. 90 of 2021 lodged under
Sections 448, 354(B), 376 and 511 of the Indian Penal Code and
Sections 37 (b) (c) of the Bihar Prohibition and Excise Act.

As per prosecution, the allegation made in the F.I.R.
by the informant intimating that in the night of 18.02.2021 the
accused after consuming the wine entered in her house and sat
on her body and started outrage her modesty, thereafter she
started crying then the co-villagers reached there and the
petitioner was caught raid handed and then he was handed over

the police.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that the allegation made by the informant is not supported by the medical evidence and may not be relied upon. He further submits that charge sheet has already been filed in this case and petitioner is in custody since 20.02.2021. He further submits that both informant and petitioner are neighbourer and there is previous enmity between the husband of the informant and the petitioner.

Learned counsel for the State opposes the prayer for bail and submits that in the state of intoxication the accused has outrage the modesty of the informant and also attempt to rape. He further submits that in the case diary material is against the petitioner and in statement under Section 164 Cr.P.C. she has supported the statement made in the F.I.R..

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail application is hereby rejected.

(Dr. Anshuman, J.)

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