

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51005 of 2021

Arising Out of PS. Case No.-240 Year-2021 Thana- NAGAR District- Vaishali

Bitan Sahni, @ Bigan Sahni @ Vigan Sahni Son of Late Yaddu Sahni @
Jageshwar Sahni, Permanent Resident of Village - Dulaur, P.S.- Jandaha,
District - Vaishali, At present R/O Mohalla - Ramchaura, P.S.- Hajipur Town,
District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Hajipur Town P.S. Case No. 240 of 2021 registered for the alleged offences under Sections 376 (2) (i) of the Indian Penal Code and Section 4 of the POCSO Act.

Prosecution case is that the petitioner sexually assaulted the five year old minor daughter of informant.

The learned counsel for the petitioner submits that petitioner is completely innocent and has been falsely



implicated in this case. The petitioner is an old man aged about 80 years and has been suffering from vertigo and sudden loss of consciousness problem, for which he is undergoing treatment and is highly improbable that he committed an offence of rape and penetrative sexual assault as alleged. The petitioner has been falsely implicated as his son has purchased a piece of land in the informant's village and started construction over there which was resisted by the informant. The learned counsel for the petitioner further submits that in the medical examination of victim girl, no injuries and traces of motile/non-motile spermatozoa have been found and the redness found around labia minora was stated to genital manipulation on account of the history given by her mother. Learned counsel further submits that the petitioner is in custody since 19.03.2021.

The learned APP opposes the prayer of bail submitting that there is direct and specific allegation against this petitioner for sexual assault against the minor daughter of the informant. The learned APP further submits that medical report shows redness around labia minora and the same was due to genital manipulation and the witnesses in the case diary in paragraphs 34, 35, 36 have supported the case of prosecution.

Having regard to the submissions made



hereinabove and considering the fact that there is direct allegation against this petitioner for sexually assaulting a minor girl and as per medical opinion redness around labia minora was found which might have been due to genital manipulation, I am not inclined to grant bail to the petitioner on bail.

Accordingly, his prayer for bail is rejected.

However, learned trial court is directed to expedite the trial and conclude the same within a period of nine months.

If the trial is not concluded within a period of nine months, the petitioner will be at liberty to renew his prayer for bail.

(Arun Kumar Jha, J)

Diwakar/-

U		T	
---	--	---	--

