

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55598 of 2021

Arising Out of PS. Case No.-248 Year-2020 Thana- MINAPUR District- Muzaffarpur

Gauri Shankar Sahani, Son of Dinesh Sahani, Resident of Village- Dharmpur,
P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishana Prasad Singh, Sr. Adv.

: Mrs. Bela Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 01-08-2022 Heard learned senior 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 Minapur P.S. Case No. 248 of 2020, G.R. No. 2793 of 2020, registered for the alleged offences under Sections 341, 323, 448, 354B, 504, 506 and 34 of the Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

As per prosecution case, the petitioner and other co-accused persons entered into the hut of the informant and the co-accused tried to commit rape with her. When the villagers assembled, this petitioner fired from his gun and the villagers snatched his gun. The other co-accused and the petitioner fled



away from the spot. The co-accused Dinesh Sahani threatened the informant and others.

The learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The informant and some other persons have encroached upon the Government land which was opposed by the petitioner and other co-accused persons. In order to pressurize the petitioner, this false case has been lodged. The allegation of sexual assault upon the daughter of the informant is completely false and concocted and has been made only to make the case serious. In fact, the daughter of the informant was never examined by the police nor she appeared before the Magistrate for recording her statement. No medical examination was conducted in this case. The petitioner is in custody since 13.06.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner entered into the house of the informant and he along with other co-accused persons made attempt to commit rape with the daughter of the informant.

Perused the records.

Having regard to the facts and circumstances specifically non-recording of the statement of the victim girl and



considering the allegation of attempted rape is against the co-accused and further considering the fact that the charge-sheet has been submitted in this case and the petitioner is in custody since 13.06.2021, the petitioner above named is directed to 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 Chief Judicial Magistrate, Muzaffarpur in connection with Minapur P.S. Case No. 248 of 2020, G.R. No. 2793 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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