

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67934 of 2021

Arising Out of PS. Case No.-42 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

=====

KRISHNA SAHNI @ RAVINDRA KUMAR Son of Gauri Sahni @ Gauri Shankar Resident of Village - Jagai Majhauri, P.S.- Bochahan, District - Muzaffarpur also Resident of village - Chhit Bhagwatipur, P.S.- Ahiyapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-07-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Mahila P.S. Case No. 42 of 2020 registered for the offence under Sections 4 and 6 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in custody since 28.11.2021.

The allegation against the petitioner is to commit rape upon minor *Jaidhi* of the informant, aged about 12 years.

Learned counsel appearing on behalf of the petitioner submitted that after investigation charge-sheet has not been



submitted under Section 376 of IPC and as such allegation of penetrative sexual assault against the minor was founded false, during course of investigation. It has further been submitted that medical report is also not supported the allegation of sexual assault. It has further been submitted that statement of victim as recorded under Section 164 of Cr.P.C. is also not suggesting about penetrative sexual assault, as alleged in FIR. It has further been submitted that petitioner is involved in one case of excise act, in which, he is on bail.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that victim not supported the allegation of rape through her statement recorded under Section 164 of Cr.P.C.

Considering the facts and circumstances as mentioned above, as victim not supported the allegation of penetrative sexual assault/rape through her statement recorded under Section 164 of Cr.P.C. coupled with the fact that charge-sheet has also not been submitted under Section 376 of the IPC, let the petitioner, above named, is directed to be released on bail in connection with Mahila P.S. Case No. 42 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th



Additional Sessions Judge-cum-Special Judge, POCSO Act,
Muzaffarpur, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) If the petitioners tamper with the evidence or the witnesses, in that event, trial court shall be at liberty to cancel the bail bond of the petitioners.

(iii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iv) That one of the bailors shall be Sarita Devi, who is the Mausera brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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

