

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19691 of 2023**

Arising Out of PS. Case No.-351 Year-2018 Thana- KANTI District- Muzaffarpur

GANESH SAHANI Son of Gulichan Sahani R/V- Kalwari Fatehpur P.s-
Kanti Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

6 03-11-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 27.6.2022 in connection with Sessions Trial No. 845 of 2022 arising out of Kanti (Kanti Thermal Power) P.S. Case No. 351 of 2018 dated 18.6.2018 registered for the offence under Sections 341, 323, 354, 366(A), 504 and 34 of the Indian Penal Code.

3. The prosecution case in brief is that on 16.6.2018 the petitioner along with other accused persons came at the door of the informant and started abusing and assaulting her. The allegation against the petitioner is that he grounded the informant and thereafter all the accused persons kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner submits that



the petitioner has falsely been implicated in the present case. The allegations as alleged in the First Information Report are false and fabricated and petitioner has not committed any offence in the manner alleged. From perusal of the First Information Report, it appears that there is no allegation of assault against the petitioner rather there is allegation that all the accused persons along with the petitioner had abducted the minor daughter of the informant. Learned counsel further submits that the statement of the victim girl has been recorded under Section 164 Cr. P.C. in which she has not stated anything about the petitioner with respect to the sexual abuse. She has stated that the co-accused Dinesh Sahni has committed rape upon her but she has stated that the petitioner was accompanied with the other co-accused persons. The Police after investigation submitted charge sheet. Petitioner is in custody since 27.6.2022.

5. Learned A.P.P. for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and in the statement of the victim girl recorded under Section 164 Cr. P.C. she has also stated that the petitioner was accompanied with the accused persons and apart from the aforesaid, the petitioner carries two more cases other than the present one.



6. Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional Sessions Judge, Muzaffarpur, in connection with Sessions Trial No. 845 of 2022 arising out of Kannti (Kanti Thermal Power) P.S. Case No. 351 of 2018 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



*acceptance of bail bonds in terms of the
above mentioned order shall not be delayed
for purpose of or in the name of verification.*

(Rajesh Kumar Verma, J)

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