

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22939 of 2023

Arising Out of PS. Case No.-36 Year-2022 Thana- MAHILA P.S. District- Vaishali

BAJRANGI SAHNI @ SIYARAM KUMAR Son of Bipat Sahni R/V-
Samaspur P.O- Purkhoul, PS- lalganj Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
09.09.2022 in connection with Mahila P.S. Case No. 36 of 2022,
F.I.R. dated 08.09.2022 for the offences punishable under
Sections 341, 376(D), 120(b)/34, 323, 504, 506 of the Indian
Penal Code and Section 6 of the POCSO Act.

According to prosecution case, as per written report of
the informant that the victim aged about 17 years is at her Aunt
house Lalganj from there in the month of March and May
Guddu Sahni, Rajkumar Sahni and Bajrangi Sahni (petitioner)
by making excuse of being her mother sick took her from
Bolero to the house of his friend Golu Kumar at Lalganj and
raped both one by one and after raping and threatening to kill



the victim against left her to her aunt house. When the victim got sick due to pregnancy, then informant showed it to a private doctor, then she came to know about the pregnancy, then she inquired the victim in confidence in this regard, then in a very frightened state victim told the whole situated and somewhere Guddu Sahni and Bajrangi Sahni have threatened to kill the victim and her whole family by burning them with acid.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R.. He further submits that bare perusal of F.I.R. it appears that the date of occurrence mentioned in the F.I.R. is from March 2021 to May 2022 and the present F.I.R. was instituted on 08.09.2022 after delay of more than four months without any explanation of delay and in the F.I.R. informant does not disclosed the date and time of the occurrence.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available on record and case diary submits that the statement of the victim girl was recorded under Section



164 of Cr.P.C. in which she has categorically stated that the petitioner and other co-accused persons have committed rape upon her which results her pregnancy and at the time of occurrence the victim was minor and there is specific and direct allegation against the petitioner that he and other co-accused persons have committed rape upon the victim girl.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 36 of 2022 pending in the court of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Vaishali at Hajipur.

Prayer is refused.

(Rajesh Kumar Verma, J)

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