

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34547 of 2022

Arising Out of PS. Case No.-121 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

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MOHAN SAHNI S/o Ramchandra Sahani Resident of Village- Harser, P.S.-
Siwaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra

For the Opposite Party/s : Mr. Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

3 06-01-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as

Mr. Shailendra Kumar, the learned Additional Public Prosecutor

for the State through video conferencing.

The petitioner apprehends his arrest in connection with

Siwaipatti P.S. Case No. 121 of 2021, registered for the offences

punishable under Section 376 of the Indian Penal Code.

As per allegation, when the informant was going to

answer the call of nature, the petitioner overpowered and

committed rape upon her.

The learned counsel for the petitioner has submitted



that the informant is cousin sister of the petitioner. She is residing in her *maike* and there is land dispute between petitioner's family and the parents of the informant. It was the reason of false implication. He has submitted further that when the informant realised her mistake, she filed a petition in the court below on 04.03.2022, stating therein that she could not identify the face of the accused and she mentioned the name of the petitioner, only on suspicion.

On the other hand, the learned Additional Public Prosecutor has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances, especially the fact that the informant herself has stated that she did not identify the face of the petitioner, the petitioner above-named, in the event of his arrest or surrender, within four weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Muzaffarpur in connection with Siwaipatti P.S. Case No. 121 of 2021, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove,



failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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