

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41929 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- MAHILA PS District- Darbhanga

RAHUL SAHNI @ RAHUL KUMAR SAHNI son of Ram Ratan Sahni
Village- Bhagwanpur Ps- Sadar Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mita Kumari D/o- Suresh Sahni Village- Arai Sadhwara Ps- Simri Dist- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Karn
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376, 323, 506/34 of the Indian Penal Code and Section 4, 6 of the POCSO Act.

3. As per prosecution case, the informant who is victim of this case alleged that during period of 2018-19 while she was residing at her maternal home, where the petitioner established physical relationship on the pretext of solemnization of marriage and thereafter, the petitioner denied from the same.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The victim stated the complicity of the petitioner in her statement recorded u/s 164 of Cr.P.C. that the petitioner entangled her in love affair during period of 2018-19 but the FIR was lodged after four years of delay. The medical report of the victim did not support the prosecution allegation. From perusal of FIR as well as case diary, it seems that both the parties are consensual and the victim girl is major. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. It is further submitted that the petitioner is languishing in judicial custody since 7.4.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahila P.S. Case No. 30 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Judge (POCSO Act), Darbhanga.

(Sunil Kumar Panwar, J)

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