

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44215 of 2023

Arising Out of PS. Case No.-166 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

CHANDAN SAHANI @ CHANDAN KUMAR S/O RAJKUMAR SAHANI
R/O VILLAGE- MISHROLIYA, KAMLE BALIYA BHUSHAHI, PS.
BOCHAHAN, DIST. MUZAFFARPUR, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bochahan
(Muzaffarpur) P.S. Case No. 166 of 2020 registered for the offence
under Sections 363 and 366(A) and Section 34 of the Indian
Penal Code and 4/6 of the POCSO-I, Muzaffarpur.

The daughter of the informant is alleged to have been
abducted by petitioner and others.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
on bare perusal of the F.I.R., it appears that date of occurrence is
09.06.2020 but the F.I.R. has been registered on 04.07.2020 after
delay of a month without explaining the delay. He further submits



that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. The petitioner is rotting in judicial custody since 28.01.2023.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of committing rape upon the victim and the statement of the victim has been recorded under Section 164 Cr.P.C. wherein she has specifically stated that the petitioner has committed rape upon her. He further submits that the date of birth of the victim is recorded as 05.07.2006 which shows that the victim was minor at the time of occurrence. He further submits that the police after investigation has submitted charge-sheet against the petitioner under Sections 366A and 376 of the Indian Penal Code and also under Sections 4 and 6 of the POCSO Act.

Considering the facts and circumstances of the case and the rival submission of the parties, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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