

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48261 of 2023**

Arising Out of PS. Case No.-34 Year-2022 Thana- MAHILA PS District- Darbhanga

1. Dharmendra Sahni@Dharmindar Sahni Son Of Binod Sahni Resident Of Village- Akraha, Ps- Ashok Paper Mill (Apm), Distt- Darbhanga
2. Om Sahani Son Of Shankar Sahni Resident Of Village- Akraha, Ps- Ashok Paper Mill (Apm), Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Ajit Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      11-09-2023                      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have prayed for bail in a case instituted for the offence under Sections 366(A), 336(D), 506, 120(B) of the Indian Penal Code and Section 4/ 6 of the POCSO Act.

3. As per allegation in the FIR, while the daughter of the informant was alone at her house, three accused persons including the petitioners kidnapped her by putting cloth in her mouth and took her away by tempo to river bank and thereafter committed rape.



4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. According to medical report, victim girl is 19 years old. She is major. Petitioners are co-villagers. Allegedly, petitioners had taken her away from her house to river bank at night hours but surprisingly, nowhere, she has raised alarm for help. In medical report, doctor opined her age between 19-20 years and doctor has not found any sign of recent sexual assault. Petitioners are languishing in judicial custody since 11.1.2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that statement of the victim girl was recorded u/s 164 Cr.P.C., wherein she has made direct allegation of abduction and commission of rape against the petitioners one after another. Prosecution story is corroborated with the statement recorded u/s 161 Cr.P.C. as well as 164 Cr.P.C. She has disclosed her age in her statement as 15 years before the lower court.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not



inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial court is directed to expedite and conclude the trial.

**(Sunil Kumar Panwar, J)**

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