

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52012 of 2023**

Arising Out of PS. Case No.-37 Year-2018 Thana- MAHILA PS District- East Champaran

ARUN KUMAR @ ARUN SAHANI S/O Late Banarsin Sahani R/O Bhataha,  
P.S- Muffasil, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                            |   |                                  |
|----------------------------|---|----------------------------------|
| For the Petitioner/s       | : | Mr. Krishna Kant Singh, Advocate |
| For the Informant          | : | Mr. Natraj Verma, Advocate       |
|                            |   | Mr. Sachina, Advocate            |
| For the Opposite Party/s : |   | Mr. Arun Kumar Pandey, A.P.P.    |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      17-08-2023                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned Additional Public  
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since  
26.06.2023 in connection with Mahila P.S. Case No. 37 of 2018,  
F.I.R. dated 12.07.2018 for the offences punishable under  
Sections 447, 341, 342, 354A, 354B, 504, 323, 506, 376, 511,  
34 of the Indian Penal Code and Section 7 & 8 of the POCSO  
Act.

3. Allegation against the petitioner is that he had  
dragged the victim girl to a hut, in order to commit rape with her  
and further allegation against the petitioner is that he had  
attempted to commit rape with the victim girl.

4. Learned counsel for the petitioner submits that



petitioner is innocent 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 the petitioner has not committed any offence as alleged in the F.I.R. and due to land dispute between the parties the petitioner has implicated false and fabricated case. He further submits that in the supervision note, the prosecution has not found the case from under Sections 354B, 376/511 of the Indian Penal Code and Section 7 & 8 of the POCSO Act. The petitioner is in judicial custody since 26.06.2023.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of Cr.P.C. in which she has categorically stated that the petitioner has tried to commit rape upon her. They further submits that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6<sup>th</sup>



Additional Session Judge-cum-Special Judge, POCSO, East  
Champan, Motihari in connection with Mahila P.S. Case  
No.37 of 2018, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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