

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57076 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- PIPRAHI District- Sheohar

Shiv Shankar Sahni @ Sikendar Sahni Son Of Late Fabu Sahni Resident of
Village- Harpur Ward No.- 13, P.S.- Piparhi, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Piprahi P.S. Case No. 127 of 2022 registered for the offences punishable under Sections 341, 354, 294, 436, 447, 504 and 506 of the Indian Penal Code.

As per the prosecution, the informant alleged that her daughter was sexually assaulted and threatened to be killed by this petitioner if she married anyone else. Further, it is alleged that this petitioner in protest to the marriage of the said victim set the informant's house ablaze.

The main submissions advanced by Mr. Devendra Kumar, learned counsel for the petitioner are that admittedly, petitioner is a married person having six children and the victim is stated to be nineteen years old, so in such a situation the allegations of teasing the victim by this petitioner and forcing her to marry him is completely unbelievable and the alleged hut which is stated to have been set on fire by this petitioner does not fall in the definition of a dwelling house, in fact, the petitioner and the informant are co-villagers and in between them there was some dispute with regard to money transaction due to which the instant matter was falsely prepared and lodged against him. Further submission is that the petitioner has fair and clean antecedent and languishing in jail for last nine months and prior to lodging of the FIR, on earlier occasions no complaint was filed by the informant regarding the alleged misbehave of teasing by this petitioner with informant's daughter.

Mr. Ashok Kumar Singh, learned APP for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering petitioner's fair and clean antecedent and his custody period and also the fact that during the investigation except the informant and her husband, no one claimed to have

seen this petitioner in setting the informant’s hut on fire at the relevant time of the alleged commission of occurrence and even two witnesses mentioned at para no. 11 and 12 of case diary stated that they did not see any person setting the informant’s hut on fire, in the opinion of this Court, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Piprahi P.S. Case No. 127 of 2022.

(Shailendra Singh, J)

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