

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59473 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- MAHILA P.S. District- Vaishali

Vivekanand Sahni Son Of Shyam Chandra Sahni R/O Village- Samaspura,
P.S.- Lalganj, District- Vaishali At Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh Mr. Amresh Prasad Sinha, Advocates
For the Informant	:	Dr. Bipin Chandara, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-03-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376, 366, 342, 506/34 of the
Indian Penal Code.

Allegation against the petitioner is that he along with
unknown persons kidnapped the informant in a four wheeler
vehicle and the petitioner made sexual relation with her.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that as per
allegation in the F.I.R. that the date of occurrence took place on



13.08.2022 but the present F.I.R. was instituted on 21.08.2022. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence took place. He further submits that it has come during investigation in paragraph-26 of the case diary that the victim has refused for her medical examination and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.08.2022.

Learned counsel appearing on behalf of the informant as well as learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has abducted her but she has not stated anything that the petitioner has committed wrong with her.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mahila P.S. Case No. 34 of 2022, with 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 witness, 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 antecedents, 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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