

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63201 of 2023

Arising Out of PS. Case No.-632 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

=====

Laxman Sahni @ Lakshman Sahni (male) aged about 40 years, son of Late
Ram Chandra Sahni, resident of village- Sonki, P.S.- Darbhanga Sadar,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Sadar (Sonki OP) PS Case No.632 of 2022 dated 04.10.2022,
instituted under Sections 341, 342, 363, 354-B, 506/34 and 376
of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence the informant had gone to a village fair and
while she was returning, 4-5 motorcycle borne persons arrived
there and forcibly made her to sit on the motorcycle. They took
the informant to a place where her clothes were torn and attempt
was made to commit rape on her. The informant identified the
motorcycle borne persons as Shyam Sah, Chandan Kumar,



Laxman Sahni, Ram Babu Sahani and few others. It is also alleged that when they were attempting to commit rape on her, she raised alarm upon which all the accused persons fled away giving threat to her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the informant has lodged this case due to previous enmity with the petitioner and his family members. Learned counsel further submits that wife of the petitioner, Meena Devi, had earlier lodged Darbhanga Sadar PS Case No.193 of 2021 under sections 341, 323, 447, 448, 427, 354-B, 504, 506/34 of the Indian Penal Code on 01.05.2021 against the brother, mother of the informant and one Sudhir Kumar Laldev. It is further submitted that the mother of the present informant has lodged Darbhanga Sadar PS Case no. 194 of 2021 on 01.05.2021 under Sections 147, 341, 323, 447, 448 504, and 506 of the Indian Penal Code, wherein, same allegation has been levelled against the petitioner and others as alleged by the petitioner's wife in Darbhanga Sadar PS Case No.193 of 2021. Learned counsel further submits that mother of the informant has alleged that her villager Babu Prasad Yadav @ Chotka enticed her married daughter (informant of the present case) and



on the basis of the application given by the mother of the informant Darbhanga (Sonki OP) PS Case No.48 of 2020 was lodged on 02.02.2020 under Sections 366/34 of the Indian Penal Code. The police after investigation has submitted final report exonerating the accused in Darbhanga (Sonki OP) PS Case No.48 of 2020. Learned counsel further submits that the informant and his family members are habitual litigant by concocting false stories. It is also submitted that in the written report allegation has been levelled that attempt was made to commit rape upon the victim but in the statement recorded under Section 164 Cr.P.C. the informant has alleged that she was raped by the accused persons and, thus, the informant has completely changed the prosecution story as alleged in the written report. Lastly, it is submitted that one criminal case is pending against the petitioner which has been lodged by the mother of the informant.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga, in Darbhanga Sadar (Sonki OP) PS Case No.632 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

U		T	
---	--	---	--

