

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66431 of 2022

Arising Out of PS. Case No.-373 Year-2021 Thana- PUPRI District- Sitamarhi

Chintan Sahni S/O Santosh Sahni @ Santosh Kumar, Resident of village-
Dumharpatti, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner is apprehending his arrest in connection with Pupri P.S. Case No. 373 of 2021 registered for the alleged offence under Sections 376 and 34 of the Indian Penal Code and under Section 4 of the POCSO Act.

As per prosecution case, allegation against the petitioner is that he along with other co-accused Sintu Kumar forcibly put the minor daughter of the informant down and the petitioner committed rape with her.

Learned counsel for the petitioner submits that no occurrence as alleged has ever taken place and the petitioner has been falsely implicated in this case due to village politics. After lodging of the F.I.R., the victim girl was medically examined



and during course of examination finding was recorded that there was no conclusive evidence as to commission of rape. No injury was found on the private parts or at the body of the victim girl. Learned counsel further submits that the petitioner and the victim girl are cousins and the story of commission of rape is not believable. Learned counsel further submits that after the aforesaid incident, the victim girl again lodged a case bearing Pupri P.S Case No. 145 of 2022 on 25.05.2022 under Sections 341, 323, 324, 354(B), 504, 506 and 34 of the Indian Penal Code against 14 persons including the father and uncle of the petitioner for assaulting and outraging her modesty. Learned counsel further submits that it is apparent that victim girl has been made pawn in the game of her father and she is induced to falsely implicate the petitioner and his family members.

Learned A.P.P. for the State as well as learned counsel appearing on behalf of the informant vehemently oppose the contention made on behalf of the petitioner. Learned counsel for the informant submits that there is specific allegation against the petitioner for committing rape with the minor daughter of the informant and subsequent case has been lodged with submission that the family of the victim girl should withdraw the earlier lodged case.



Having regard to the facts and circumstances and submission made on behalf of the parties and considering the serious nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail at this stage, hence the prayer of the petitioner for anticipatory bail is rejected.

(Arun Kumar Jha, J)

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