

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64360 of 2022**

Arising Out of PS. Case No.-409 Year-2022 Thana- NAUTAN District- West Champaran

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MAHESH SAHANI @ MAHESH SAHNI @ HERO Son of Sudama Sahani
R/v- Aagarawa, P.S.- Bettiah Mufassil District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 19-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case instituted
for the offence under Sections 363 and 366A of the Indian Penal
Code and Section 8 of the POCSO Act.

3. The allegation against the petitioner is of kidnapping
the daughter of the informant for the purpose of marriage, when
she went to attend nature's call.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that petitioner is named in the



FIR but during investigation, the victim girl has recovered and her statement recorded u/s 161 of the Cr.P.C., before the Investigating Officer, which is mentioned in vide para-59 of the case diary that this petitioner along with two other person after pressing her mouth taken her by vehicle, when she regained her sense, she found herself in *Gorakhpur*. It is also submitted that the victim's statement recorded u/s 164 of the Cr.P.C., in which she stated that the petitioner taken her after pressing her mouth and kept with her and also committed rape upon her several times. It is further submitted that during trial the victim examined as witness before trial Court and she retracted her statement, which was recorded u/s 164 of the Cr.P.C. Petitioner is languishing in judicial custody since 30.07.2022.

5. Learned APP for the State has opposed the application for bail and submitted that the statement of the victim recorded u/s 164 of the Cr.P.C., in which she stated that this petitioner committed rape upon her forcibly, which corroborates the prosecution case and charge-sheet has already been submitted. During investigation several witnesses have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail



stands rejected.

7. The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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