

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66549 of 2022**

Arising Out of PS. Case No.-90 Year-2019 Thana- AURAI District- Muzaffarpur

VIKASH KUMAR SAHNI S/o Bhograj Sahni @ Bhagray Sahani R/o
Village- Shambhuta Dih, P.S.- Aurai, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 22-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Aurai P.S.
Case No. 90 of 2019 registered for the offence under Sections
363, 366(A), 376 and 372 of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.07.2022.

The allegation against the petitioner is to kidnapped
the minor daughter of the informant, aged about 14 years along
with other co-accused persons, on the point of pistol, for the
purpose of illicit intercourse, while victim went to nearby field



to attained call of nature.

Learned counsel appearing on behalf of the petitioner submitted that the present FIR was lodged through complaint regarding occurrence of 05.09.2018. It is submitted that alleged occurrence is of 05.09.2018, where, complaint was lodged on 12.01.2019, subsequently, the FIR was lodged on 26.04.2019, after a delay of 07 months. It is pointed out that maximum allegation what appears from the face of complaint is that petitioner was holding the mother of victim, during course of occurrence, where thrust of allegation is regarding kidnapping and rape available against co-accused, namely, Aashin Khan. It is also submitted that victim did not supported the allegation as to hold her mother by this petitioner while recording her statement under Section 164 of the Cr.P.C., where, maximum allegation is of different nature that to assist the main accused, namely, Aashin Khan in kidnapping. While concluding the argument, it is submitted that petitioner also found involved in 02 excise cases, where, he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State,



opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of fact as maximum allegation available against this petitioner is to assist main aco-accused, during course of occurrence of kidnapping, where, allegation as regard to kidnapping and rape is specifically available against co-accused, namely, Aashin Khan coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Aurai P.S. Case No. 90 of 2019, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIth-cum-Special Judge, POCSO Act, Muzaffarpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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