

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66711 of 2022**

Arising Out of PS. Case No.-58 Year-2020 Thana- MAHILA P.S. District- Samastipur

PANKAJ SAHNI S/O Shankar Sahni R/O Village- Kua, P.S- Bithan, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 02-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Samastipur Mahila P.S. Case No. 58 of 2020 registered for the
offence under Sections 376 and 506 of the Indian Penal Code.

The petitioner is alleged to have committed rape upon
the informant.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
appears from the F.I.R. that present occurrence took place on
22.07.2020 and the F.I.R. has been instituted on 22.09.2020 after
delay of two months without giving any explanation. He further
submits that the allegation, as alleged in the F.I.R., is false and



fabricated and the petitioner has not committed any offence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 01.06.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her while she went to root out the grass in the field. He further submits that though there is delay in lodging the F.I.R. but the same was due to panchayat convened for the alleged occurrence and soon after the panchayati, the informant has filed the present F.I.R. after the delay.

Considering the facts and circumstances of the case and the nature of offence and the statement of the victim recorded under Section 164 Cr.P.C., this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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