

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68213 of 2022**

Arising Out of PS. Case No.-126 Year-2021 Thana- BISFI District- Madhubani

RAMADHAR SAHNI S/O Rambalak Sahni R/O Village- Bisfi Matenaje,
P.S- Bisfi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Tiwari, Adv.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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

5 23-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bisfi
P.S. Case No. 126 of 2021 dated 07.06.2021 registered for the
offence under Sections 366(A/34 of the Indian Penal Code.

The minor daughter of the informant is alleged to
have been enticed away by the petitioner and his mates for
the purpose of performing marriage.

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 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 though the case has been registered against the petitioner and his father along with two unknown persons but the police after investigation has submitted charge-sheet only against the petitioner under Sections 363, 366(A), 376 of the Indian Penal Code and Section 4 of the POCSO Act but the medical report of the victim suggest that no medical evidence of sexual assault was found on the person of the deceased and her age is opined between 17-18 years. Therefore, no case under Section 376 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 18.07.2021.

A report with regard to present stage of the trial has been called for by this Court vide order dated 18.04.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that the seven charge-sheet witnesses have been examined and prosecution evidence has been closed on 01.05.2023. The record is fixed for statement of the accused under Section 313 of the Cr.P.C.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this



case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 18.07.2021 i.e more than one and half year.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, present stage of the trial and also the statement of the victim, this Court is not inclined to enlarge the petitioner on bail. Accordingly, prayer for bail of this petitioner is rejected.

However, learned trial court is directed to expedite the trial and try to conclude it at the earliest.

(Rajesh Kumar Verma, J)

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