

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17531 of 2024

Arising Out of PS. Case No.-147 Year-2023 Thana- BALRAMPUR District- Katihar

Manoj Sahni Son Of Aklu Sahni @ Akalu Sahni Resident Of Aahuta, P.S. -
balrampur, district - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Madhura Nand Jha, APP
For the Informant :	Mr. Indrajeet Kumar, Advocate
	Mr. Bhola Prasad, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 30-04-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant and
perused the case diary.

2. The petitioner seeks bail in connection with
Balrampur P.S. Case No. 147 of 2023 instituted for the offence
under Section 376 of the Indian Penal Code.

3. Prosecution case in short is that on 23-10-2023,
informant had gone to Durga mandir to see a drama program. At
01:00 A:M, informant daughter felt thirsty and when she went to
give water to her daughter at the handpump near the temple,
accused-petitioner took her daughter in his lap and said the
informant to come with him quietly otherwise he will kill her



daughter upon which informant went away with the accused in fear and he committed rape with her.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 26-10-2023. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is alleged that petitioner has committed rape upon the informant. It is submitted that there is delay of two days in lodging the FIR. It is further submitted that as per the medical report, it appears that the doctor has not found any external or internal sexual injury on the private part of the informant and as such, no medical evidence has come forward against the petitioner to commit the rape upon the informant. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that victim has supported the prosecution version in her statement recorded under Section 164 of the Cr.P.C. and statement under Section 161 of the Cr.P.C. also corroborates the allegation levelled against the



petitioner.

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation of rape upon the informant, which is supported by the statement recorded under Section 164 of the Cr.P.C and gravity of offence, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, prayer for grant of bail to the petitioner is hereby **rejected**.

9. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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