

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35400 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- BARURAJ District- Muzaffarpur

HARI MOHAN SAHNI SON OF DEVENDRA SAHNI RESIDENT OF
VILLAGE - KOTIYAN BAKHRI, P.S. - BARURAJ, DISTRICT -
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Baruraj P.S. Case No. 25 of 2023 registered for the offences
punishable under Sections 341, 323, 376, 511/34 of the Indian
Penal Code read with Section 8/12 of POCSO Act.

3. As per prosecution case, petitioner alongwith
other gagged the mouth of the informant from behind and
petitioner tried to undress her with bad intention. When the
same was protested by the informant, petitioner is also alleged
to have slapped her.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence as



alleged against him in F.I.R. and he has falsely been implicated in the present case. Petitioner is in custody since 24.05.2023 which is more than one year and he bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner by submitting that petitioner is the prime accused of the alleged occurrence and he is alleged to have tried to undress the informant with bad intention which is supported and corroborated by the Statement of victim recorded under Section 164 of Cr.P.C., as mentioned in impugned order. Hence, he does not deserve bail.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with Statement of victim recorded under Section 164 of Cr.P.C. as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

(Alok Kumar Pandey, J)

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