

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34056 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- PIYAR District- Muzaffarpur

Aman Kumar S/O Sri Jitendra Sahni R/O Village- Bakhardaura, P.S- Piyar,
Distt.- Muzaffarpur, Pin- 843115, Bihar.

... .. Petitioner

Versus

1. The State Of Bihar Bihar
2. Vinod Sahni S/O Late Mahadeo Sahni R/O Village Ghanour,P.S. Katra,
Distt-Muzaffarpur,Bihar. Pin-843321

... .. Opposite Party/S

Appearance :

For The Petitioner/S	:	Mr.Prabhakar Nath Rai, Advocate
For The Opposite Party/S	:	Mr.Nawal Kishore Prasad, A.P.P.
		Mr. N.Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 25-09-2024 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 376 of the Indian Penal
Code and section 4 of the POCSO Act.

3. As per the prosecution case, daughter of informant
went to her Phua's house. In the meantime, both Phua and
Phupha went to Bageshwar dham. Thereafter, petitioner used to
visit the house of Phua and in the absence of Phupha and Phua
he made physical relation with daughter of the informant on the
promise of marriage. The victim girl was 16 years old and she
became pregnant. Later on, petitioner refused to perform
marriage and suggested the victim to abort the pregnancy. On
the complaint of father of victim, community people of that
village tried to perform marriage of victim with the petitioner
but petitioner and his family members refused.

4. Learned counsel appearing for the petitioner



submits that the allegation appears to be false as no date of occurrence is mentioned in the FIR. Victim was examined in the Sadar Hospital, Muzaffarpur but story of pregnancy was not corroborated in the medical examination report. Petitioner claims clean antecedent.

5. Learned counsel for the State and opposite party no.2 oppose the prayer for bail. Learned counsel for opposite party no.2 submits that there is specific and direct allegation against the petitioner that he made physical relation with the victim, aged about 16 years, on several times on the allurement of marriage. Even, the victim in her 164 Cr.P.C. statement has supported the prosecution case. Moreover, in panchayat, petitioner refused to marry the victim.

6. Considering the nature and gravity of allegation and section 164 Cr.P.C. statement of the victim, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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