

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38101 of 2024

Arising Out of PS. Case No.-159 Year-2020 Thana- PATRAKARNAGAR District- Patna

SANTOSH SAHANI SON OF RAM BABU SAHANI @ RAMBABU
RESIDENT OF MOH - 90 FIT, DUSADI PAKRI, P.S. - KANKARBAGH,
DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gaurav Kumar Verma
For the Informant	:	Mr. Manoj Kumar
For the Opposite Party/s	:	Mr. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 01-10-2024 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Patrakarnagar P.S. Case No. 159 of 2020 dated 27.02.2020 registered for the offence/s punishable u/ss 363, 365 of the Indian Penal Code later on added section 366A, 323, 376, 120B of the Indian Penal Code, 4/6 of the POCSO Act and 3(1)(w)/ 3(2)(V) of the SC/ST Act.

3. As per the prosecution case, on 26.02.2020 the informant lodged a Sanaha for missing of her niece before the Patrakarnagar police station by stating that his niece (*Sala ki beti*) went to coaching but did not return, accordingly the FIR



was registered on 27.02.2020.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is nothing against the petitioner except suspicion. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 29.02.2020.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. The victim in her statement recorded u/ss 161 and 164 of the Cr.P.C. has specifically stated that the petitioner raped her. Learned counsel has further submitted that as per Letter No. 3178 dated 24.07.2024, the trial court has reported that the charge has already been framed against the petitioner and the co-accused person on 30.11.2021 and the statement of both the accused persons has been recorded u/s 313 of the Cr.P.C. on 15.12.2022. At present, the case is pending for evidence of defence witness namely Moni Kumari. Learned counsel has further submitted that there is a delay at the stage of defence witnesses and the petitioner and co-accused person are responsible for the delay in the trial. It is further submitted that the regular bail application of the petitioner has already been



rejected twice by the co-ordinated bench of this court vide Cr. Appeal No. (S.J.) 1881 of 2020 and Cr. Misc. No. 48899 of 2021.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail petition of the petitioner stands rejected.

(Chandra Prakash Singh, J)

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