

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37301 of 2024

Arising Out of PS. Case No.-632 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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Chandan Kumar Sahni @ Chandan Kumar Son Of Ramdev Sahni Resident
Of Village - Sonki, P.S. - Darbhanga Sadar (SONKI O.P.), District -
Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Darbhanga Sadar (Sonki O.P.) PS Case No.632 of 2022 dated
04.10.2022, instituted under Sections 341, 342, 363, 354-B,
506/34 and 376 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence the informant had gone to a village fair and
while she was returning, 4-5 motorcycle borne persons arrived
there and forcibly made her to sit on the motorcycle. They took
the informant to a place where her clothes were torn and attempt
was made to commit rape on her. The informant identified the
motorcycle borne persons as Shyam Sah, Chandan Kumar



Sahani (petitioner), Laxman Sahni, Ram Babu Sahani and few others. It is also alleged that when they were attempting to commit rape on her, she raised alarm upon which all the accused persons fled away giving threat to her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the informant has lodged this case due to previous enmity with the Laxman Sahni and his family members; petitioner is the friend of Laxman Sahni due to which he has been falsely implicated in this case. It is further submitted that the mother of the present informant has lodged Darbhanga Sadar PS Case no. 194 of 2021 on 01.05.2021 under Sections 147, 341, 323, 447, 448 504, and 506 of the Indian Penal Code, wherein, same allegation has been levelled against Laxman Sahni and others. He submits that the wife of Laxman Sahni namely, Meena Devi had earlier lodged Darbhanga Sadar PS Case No.193 of 2021 against brother, mother of informant and Sudhir Kumar Yadav. Learned counsel further submits that mother of the informant has alleged that her villager Babu Prasad Yadav @ Chotka enticed her married daughter (informant of the present case) and on the basis of the application given by the mother of the informant Darbhanga



(Sonki OP) PS Case No.48 of 2020 was lodged on 02.02.2020 under Sections 366/34 of the Indian Penal Code. After investigation, the police has submitted final report exonerating the accused in Darbhanga (Sonki OP) PS Case No.48 of 2020. Learned counsel further submits that the informant and his family members are habitual litigant by concocting false stories. It is also submitted that in the written report allegation has been levelled that attempt was made to commit rape upon the victim but in the statement recorded under Section 164 Cr.P.C. the informant has alleged that she was raped by the accused persons and, thus, the informant has completely changed the prosecution story as alleged in the written report. It is next submitted that similarly situated co-accused person namely, Laxman Sahni has been granted bail *vide* order dated 06.12.2023 passed by this court in Criminal Miscellaneous No. 63201 of 2023. It is further submitted that other co-accused namely, Shayam Sah has been granted bail *vide* order dated 14.03.2024 passed by a Co-ordinate Bench of this court in Criminal Miscellaneous No. 23979 of 2023. Lastly, it has been submitted that the petitioner is in custody since 14.03.2024 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of



the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Darbhanga in Darbhanga Sadar (Sonki O.P.) PS Case No.632 of 2022.

(Khatim Reza, J)

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