

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45934 of 2024

Arising Out of PS. Case No.-279 Year-2024 Thana- PURNEA SADAR District- Purnia

AWADH KISHORE SAHNI @ AWADH KISHOR SAHNI @ KISHOR
SAHNI SON OF SATYANARAYAN SAHNI RESIDENT OF MOHALLA -
LINE BAZAR CHOWK, P.S. - K. HAT, DISTRICT - PURNIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard learned Counsel for the petitioner and learned
APP for the State as also the Informant.

2. The petitioner apprehends his arrest in connection with Sadar P.S. Case No. 279 of 2024 for the offence registered under section 376 of the Indian Penal Code lodged on 08.05.2024 by the informant, Fuldai Khatoon.

3. As per the prosecution story, the informant alleged that she is having dispute with her husband and in that connection, she used to visit Purnia Civil Court where the petitioner became closer to her and on the assurance of providing job in the school, he exploited her. The allegation is that he established physical relationship between 23.03.2024 to 28.03.2024 and upon protest, her articles were stolen.



Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that the explanation is for the period 23.03.2024 to 28.03.2024 whereas the F.I.R. was lodged more than a month later on 08.05.2024. He further submits that whatever happened, it was consensual and the informant after some financial dispute, came out with this allegation.

5. Learned Counsel on behalf of the informant, on the other hand, submits that he claims himself to be a lawyer but has also at times served as a Doctor despite having no such certificate beside being a Film Director etc. He submits that against her will, the informant was physically exploited by the petitioner.

6. The last submission is that though the petitioner has incorporated in paragraph-3 that he has only one case against him vide K. Hat P.S. Case No. 409 of 2021, the fact remains that he is accused in more than one case and this has been suppressed from his Court.

7. However, upon query, the document was not made available. In that background, considering the F.I.R. /allegation and the informant herself explaining that the said exploitation took place for couple of days and she failed to lodge F.I.R. at



the first instance coupled with the fact that even otherwise, there is delay in lodging of the F.I.R., this Court is inclined to extend him privilege of anticipatory bail.

8. However, the concerned Court shall ascertain the submission put forward by the learned Counsel for the informant as to whether the petitioner is an accused in only one criminal case, as stated above beside the present case in which relief has been granted and/or whether he is accused in some more cases.

9. In case, it is found that these facts have been suppressed and he is accused in more than these two cases, the order shall become infructuous.

10. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia in connection with Sadar P.S. Case No. 279 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official



document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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