

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71523 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- MAHILA P.S District- West Champaran

Munna Sahni Son Of Vindhyachal Sahni Resident Of Village - Mahesra
Malahi, P.S. - Gopalpur, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Shrivastava, Adv.
For the Opposite Party/s	:	Ms. Usha Kumari 1, APP
For the Informant	:	Mr. Satyapal Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 13-03-2024 Heard learned counsel for the petitioner and learned
APP for the State as also counsel for the Informant. Perused the
case diary.

2. The petitioner seeks bail in connection with Bettiah
Mahila P.S. Case No. 31 of 2023 instituted for the offences
under Sections 341, 342, 376 of the Indian Penal Code and
Section 3(i)(r)(s)/3(2)9va) of the SC/ST Act.

3. As per prosecution case, the accusation against the
petitioner is of forcibly establishing physical relationship with
the victim girl in the sugar-cane field.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



There is an admitted land dispute between the parties. He further submits that the medical board has opined the age of the victim girl in between 17-19 years and thus, the victim girl is a major. He further points out that the said relationship was a consensual relationship between the parties. No mark of rape has been reported in the medical report. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 12.06.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Learned counsel for the Informant has submitted that the victim girl is a minor. In the statement under Section 161 Cr.P.C., the victim has stated that the petitioner has been talking with the victim girl since last six months and was in love with her and he also established physical relationship with her thrice. He further submits that the police has submitted charge-sheet against the petitioner under Section 376 of the I.P.C. and 4 of the POCSO Act as also Section 3(i)(r)(s)(w), 3(2)(v-a) SC/ST Act. In this two witnesses have been examined who have fully supported the case of the prosecution and thus, the petitioner does not deserve bail.



7. This Court finds that there is a direct allegation against the petitioner of forcibly committing rape with the victim girl which is serious in nature. Keeping in view the statements of the victim girl made under Sections 161 and 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner for the present.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of one year from today.

9. If the trial is not concluded within the aforesaid period of one year, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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