

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74666 of 2023

Arising Out of PS. Case No.-36 Year-2022 Thana- MAHILA P.S. District- Vaishali

=====

Guddu Sahni S/O Raj Kumar Sahni R/O Village- Samaspur, P.S- Lalganj,
Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ms. 'X' N/A

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Manish Kumar, Advocate
For the Opposite Party/s :	Mr. Upendra Kumar, APP
For the Informant :	Mr. Awadhesh Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 05-07-2024 Heard Mr. Manish Kumar, learned counsel for the petitioner, Mr. Awadhesh Kumar Singh, learned counsel appearing on behalf of the informant as well as Mr. Upendra Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 08.09.2022 in connection with Mahila P.S. Case No. 36 of 2022, F.I.R. dated 08.09.2022 for the offences punishable under Sections 341, 376(D), 120(B), 34, 323, 504 and 506 of the Indian Penal Code and Section 6 of POCSO Act.

3. According to prosecution case, this petitioner along with one co-accused person have committed rape of the informant and threatened to kill her.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the date of occurrence is March & May 2022 but the present F.I.R has been instituted on 08.09.2022.

5. The learned Additional Public Prosecutor as well as learned counsel appearing on behalf of the informant as well as have vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has supported the case of the prosecution and apart from that the report of the learned Trial Court dated 07.05.2024 reveals that all the prosecution witnesses have been examined and the case is pending for the examination of defence witness.

6. Considering the aforesaid facts and circumstances as well as report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 36 of 2022 pending in the court of learned Additional Sessions Judge VI cum Special Judge (POCSO), Hajipur (Vaishali).



7. Prayer is refused.

8. However, learned Trial Court is directed to expedite
and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

