

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5404 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- PATKHAULI District- West Champaran

Rahul Sahani @ Rahul Kumar S/o Ajay Chaudhary R/o vill - Narainapur,
ward no. 5, P.S.- Patkhauli, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/o Late Dhruv Chaudhary R/o Nariyanpur, ward no. 5, P.S. - Pathhauli,
Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 27-05-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Bagaha(Patkhauli) P.S. Case No. 36 of 2024, registered for the
offences punishable under Sections 376, 506/34 of the Indian
Penal Code and under Section 4/6 of POCSO Act.

3. The prosecution case is to the effect that the
informant has alleged that her neighbours, namely, Rahul Sahni
(petitioner) and Kapil Paswan abducted her 14 years minor
daughter and took her to Panihawa Railway Station and
thereafter she was taken to Gorakhpur where the petitioner is
said to have committed rape upon her and subsequently on the



next day i.e., 25.04.2024, the victim is said to have been dropped at home. It has also been alleged that the petitioner had made an objectionable video of the victim and had threatened to make it viral and was blackmailing her.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on apparently false and concocted story due to an old enmity between the parties which would be evident from the perusal of the FIR lodged against the uncle and cousin of the victim. The learned counsel has further submitted that from perusal of the 164 statement of the victim girl, it would be evident that she has not alleged about any sexual assault committed by the petitioner and the other accused person. It has also been submitted that the false implication of the petitioner could also be gathered from the fact that the incident is said to be of 24.04.2024, however, the FIR was lodged after six days of delay i.e., on 01.05.2024. It has lastly been submitted that the petitioner is accused in two cases of 2023 and 2024, however, in the present case he is in custody since 22.10.2024 and the chargesheet has already been submitted.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that there is allegation



against the petitioner of committing rape upon the victim, daughter of the informant.

6. Considering the aforesaid submissions made by the parties and taking into account that there was a delay of six days in lodging of the FIR and also the statement of the victim recorded under Section 164 Cr.P.C., I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Additional District and Sessions Judge 7th cum Special Judge POCSO, Bettiah, West Champaran, in connection with Bagaha (Pathkhauli) P.S. Case No. 36 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court



concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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