

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11929 of 2025

Arising Out of PS. Case No.-224 Year-2024 Thana- GUTHANI District- Siwan

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1. Amit Sahani Son of Mordhwaj Sahani Village- Dharampur Police Station- Guthani District -Siwan
 2. Sohit Sahani @ Sohil Kumar Sahani son of Ramprit Sahani Village- Dharampur Police Station- Guthani District -Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. X, village- Nehalpur, Ps- Parasbigha, Dist- Jehanabad at P/A- C/o- Kunal Construction Proprietor Nitu Devi, Village- Dharmpur, Ps- Guthni, Dist- siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

7 22-07-2025 Heard learned counsel for the petitioners and learned APP for the State. None appears on behalf of the informant despite notice being validly served. Perused the case diary.

2. The petitioners seek bail in connection with Guthni P.S. Case No. 224 of 2024 instituted for the offences under Sections 64, 62, 74, 76, 3(5) of the BNS and Sections 8/12 of the POCSO Act.

3. Accusation against the petitioners is of attempting to commit rape upon the victim girl.

4. Learned counsel for the petitioners submitted that



the petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submitted that victim in her Statement recorded under Section 183 of the Bharatiya Nagarika Suraksha Sanhita has not stated anything regarding the commission of rape upon her. Learned counsel further submitted that, initially, FIR was registered under the offence of committing rape whereas, police, after investigation submitted charge-sheet only under Sections 126(2), 74, 75, 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023. He further submitted that nothing has been whispered against the petitioners in Section 183 of the BNSS statement of the victim. It has been submitted on behalf of the petitioners that the petitioner no. 1 is in custody since 21.08.2024 and petitioner no.2 is in custody since 21.09.2024 and both petitioners have no criminal antecedent.

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

6. Considering the aforesaid facts and circumstances of the case coupled with the fact that police after investigation submitted charge-sheet under Sections 126(2), 74, 75, 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 as also the period of custody undergone by the petitioners, this Court is



inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Guthni P.S. Case No. 224 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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