

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13526 of 2025

Arising Out of PS. Case No.-16 Year-2024 Thana- DARPA District- East Champaran

Parchun Sahani @ Prachun Sahani, aged about 23 years, son of Biltu Sahani @ Shiv Prasad Sahani, resident of village- Bakhtaura , P.S. - Darpa Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi, femlae, w/o Bhim Patel, D/o Ramakant Raut, R/o Village- Bakhtaura, P.S.- Darpa, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prateek Tandon, Advocate
For the State	:	Ms. Anita Kumari, APP
For the OP No.2	:	None

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 25-07-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Earlier, notices were issued to the opposite party no.2, but despite service of notice nobody appears on behalf of the opposite party no.2.

3. The petitioner seeks bail in connection with Darpa PS Case No.16 of 2024 dated 02.02.2024, instituted for the offence punishable under Sections 406, 376, 506 of the Indian Penal Code.

4. The prosecution case, in brief, is that the victim was in her parental home. The petitioner came there and told that her husband is seriously ill. Since the petitioner was the resident of



neighbourhood of the victim's matrimonial home and had good relation with them, the victim went away him on a motorcycle. In the way, the accused petitioner offered some food and after consuming the same she felt dizziness and slept. When she woke up, the petitioner told her that he had snapped her nude photographs. On the threat of making the objectionable video viral, the petitioner committed rape with her. He also exploited her sexually after the said incident. It is further alleged that the brother of the petitioner also tried to establish physical relation with her.

5. Learned counsel for the petitioner submits that the present case has arisen out of a complaint petition filed by the complainant- informant on 16.10.2023 in Court i.e., after more than two months from the last date of occurrence. The FIR was instituted on 02.02.2024. There is no plausible explanation for the delay in lodging the case. It is also submitted that the informant-victim is aged about 30 years having three children. The petitioner is a married man aged about 30 years. The allegation against the petitioner is totally false and concocted. Further submission is that during investigation the police recovered the mobile of the petitioner and tried to trace out the photograph in the mobile and it is mentioned in paragraph no.97



of the case diary, that there was no photograph of the victim in his mobile. Further, in paragraph no.98, it is mentioned that CDR details of mobile of the petitioner was obtained which also does not corroborate the prosecution case. Further, it is submitted that both the parties have compromised the matter and a compromise petition has been filed in the Court below which is annexed as Annexure- P/4. Lastly, it is submitted that the petitioner is in custody since 18.10.2024 having clean antecedents.

6. Learned APP has opposed the prayer for bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Juge (Rape & POCSO), District & Additional Sessions Judge, Motihari, East Champaran, in Darpa PS Case No.16 of 2024.

8. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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