

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25851 of 2024

Arising Out of PS. Case No.-175 Year-2019 Thana- BHAGWANPUR District- Vaishali

Vijay Sahani S/o Ram Jinish Sahani, R/o village - Gurmia, P.S. - Lalganj,
(Kartaha O.P.), Distt. - Vaishali.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rameshwar Singh S/o Late Ram Jiwan Singh, R/o village - Bafapur Banthu,
P.S. - Bhagwanpur, Distt. - Vaishali.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 10-01-2025 Heard Mr. Satya Prakash Sinha, the learned counsel

for the petitioner, the learned counsel for the informant and Mr.

Ashok Kumar Singh, the learned Additional Public Prosecutor

for the State.

2. Petitioner seeks regular bail who is in custody since

23.12.2022, in connection with G.R. No. 75 of 2019, arising out

of Bhagwanpur P.S. Case No. 175A of 2019, FIR dated

18.07.2019, registered for the offences punishable under

Sections 341, 323, 376, 379 and 34 of the Indian Penal Code

and under Sections 4, 8 and 12 of POCSO Act.

3. Earlier the petitioner has moved before this

Hon'ble Court in Cr. Misc. No. 14711 of 2023, which was

rejected vide order dated 03.07.2023.



4. According to the prosecution case, the petitioner along with co-accused person committed rape upon the grand daughter of the informant. It is further alleged that the co-accused persons also looted various articles worth Rs. 1,00,000/- (Rupees one lakh only) from the informant and his family members and they also snatched golden chain and earring of his daughter and wife.

5. 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 from perusal of the FIR, it appears that the allegation is levelled against the petitioner as well as the co-accused namely, Bihari Sahani and on the same set of allegation the co-accused Bihari Sahani has been granted bail by a co-ordinate Bench of this Court vide order dated 05.06.2020 passed in Cr. Misc. No. 7100 of 2020.

6. Vide order dated 26.11.2024, a report was called for with regard to the stage of the trial and report dated 23.12.2024 of the learned trial Court reveals that only two witnesses have been examined as yet.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance



of early conclusion of the trial in near future and the petitioner is in custody since 23.12.2022 and the co-accused person against whom there is similar nature of allegation has been granted bail by a co-ordinate Bench of this Court.

8. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances as well as the report of the learned trial Court and also the facts that petitioner has clean antecedent and similarly situated co-accused person has been granted regular bail by a co-ordinate Bench of this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Court of Additional Sessions Judge-VI-cum-Special Judge-POCSO, Vaishali at Hajipur in connection with **Bhagwanpur P.S. Case No. 175A of 2019**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as



directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

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

(iii). And further condition that the learned trial Court 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 learned trial Court 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.

(Rajesh Kumar Verma, J)

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