

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23011 of 2025**

Arising Out of PS. Case No.-59 Year-2023 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Vinod Sahani Son of Raj Mangal Sahni village- Pakari Barkhurdar PS-
Rampur Hari District -Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nilam Devi Wife of Sundeshwar Sahni village- Pakari Barkhurdar PS-
Rampur Hari District -Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Bela Singh, Advocate
For the State	:	Mr. Nand Kishore Prasad, A.P.P
For the O.P. No.2	:	Mr. Hari Kishore Thakur, Advocate
		Mr. Aditya Dev, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-07-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for Opposite party no.2.

2. The petitioner is apprehending arrest in connection with Complaint Case No. 59 of 2023 dated 06.12.2023, in which cognizance has been taken on 05.07.2024 under Sections 323, 341, 354, 504, 506 & 34 of the Indian Penal Code read with section 8 of the POCSO Act.

3. As per the complaint, it has been alleged that the petitioner has tried to commit rape with the complainant's daughter and accused persons have assaulted the complainant,



her father in law and her daughter and also destroyed the belongings kept in the house. The accused persons also threatened the complainant and her family members that if she doesn't compromise in the previous case, they shall murder the whole family of the complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the present case has been filed on the basis of a complaint petition and prior to filing this case, complainant has earlier filed a Complaint Case No.1487 of 2023 against the brother of the petitioner under Sections 302, 120B of the I.P.C, but in the said case, cognizance has been taken under Sections 506 & 34 of the I.P.C. Counsel submits that when the complainant received knowledge that cognizance has been taken only under Sections 506 & 34 of the I.P.C., then the present false case has been filed by the complainant against petitioner and others. Counsel submits that it is stated in the present complaint that written statement has been filed before the police on 04.11.2023 and subsequently, through speed post to the Superintendent of Police on 09.11.2023, but no such document has been filed on record. Counsel further submits that the petitioner has no criminal antecedent and he has falsely been



implicated in this case. Counsel submits that the alleged date of occurrence was 01.11.2023 but the present complaint case has been filed on 06.12.2023 i.e. after a lapse of about 35 days.

5. Learned counsel appearing for O.P. No.2 opposes the prayer for bail of the petitioner and submits that the allegation made in the complaint case is true. He submits that a copy of applications dated 04.11.2023 and 09.11.2023 are not attached with the present bail application, but he can produce the same before the Court if permitted to do so.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that in this case, cognizance has been taken under POCSO Act.

7. In the present facts and circumstances of this case considering that a previous enmity exists between the parties and earlier, a complaint case has been filed under Sections 302 & 120B of the I.P.C, in which cognizance has been taken under Sections 506 & 34 of the I.P.C. and the present complaint case has been filed after a lapse of about 35 days, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of



the Bharatiya Nagarik Suraksha Sanhita, 2023 to the satisfaction of 6th Additional Sessions Judge-cum-Special Judge, POCSO-I, Muzaffarpur, in connection with Complaint Case No. 59 of 2023, subject to the conditions as laid down U/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

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