

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25280 of 2025

Arising Out of PS. Case No.-218 Year-2022 Thana- HARSIDHI District- East Champaran

Mithu Sahani @ Mithun Sahani S/o Anwat Sahani @ Anant Sahani R/o vill -
ward no. 12, Dhwhi, P.S.- Harsidhi, Distt.- East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi W/o Ajay Mahto R/o vill - Dhwhi, P.S.- Hasidhi, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-07-2025 Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and Mr. Murli Dhar, learned Additional Public
Prosecutor for the State.

2. Despite valid service of notice, no one appeared on
behalf of the opposite party no. 2.

3. The petitioner is apprehending his arrest in
connection with Harsidhi P.S. Case No. 218 of 2022, F.I.R.
dated 17.05.2022 for the offences punishable under Sections
341, 323, 326 and 504 of the Indian Penal Code and later on
Sections 8 and 12 of the POCSO Act was added.

4. According to prosecution case, it is alleged that the



petitioner assaulted, abused and cut the ear of the informant's daughter. Accordingly, the F.I.R.

5. Learned counsel for the petitioner submits that the petitioner has clean antecedent. The allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Due to some petty dispute, the petitioner has falsely been implicated in this case. After some time, the informant had filed a petition before the learned Court below on 20.08.2022 stating therein that due to some misunderstanding, the allegation made against the petitioner and she had filed a compromise petition in the learned Court below.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts, clean antecedent of the petitioner and despite of valid service of notice, no one appeared on behalf of the opposite party no. 2 and the opposite party no. 2 has filed compromise petition before the learned Court below, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 218 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 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.

(Rajesh Kumar Verma, J)

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