

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24372 of 2025

Arising Out of PS. Case No.-441 Year-2022 Thana- MADHUBAN District- East Champaran

Awadh Kishore Sahani, S/o- Ramadhar Sahani, R/o Village- Kothiya, P.S-
Madhuban, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sangita Devi, W/o- Sunil Sahani, R/o Village- Khairwa, P.S-Madhuban,
District-East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-08-2025 Heard learned counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of
the State.

2. The petitioner seeks bail in connection with
Madhuban P.S. Case No. 441 of 2022, registered for the
offence under Sections 363, 366(A), 34 of the Indian
Penal Code and Section 8 of the POCSO Act.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 25.01.2025.

4. As per FIR, minor daughter of the informant
aged about 16 years was kidnapped, while she was
returning from Durga Pooja Mela by the named co-
accused persons, including the petitioner, whereafter



one of the co-accused committed penetrative sexual assault/rape upon the minor daughter of the informant.

5. Notice as issued by this Court was refused to receive by opposite party no. 2 as it appears from office report, accordingly, the same appears to be deemed served validly upon opposite party no. 2. Despite the service, opposite party no. 2 failed to join the present proceedings.

6. Learned Counsel appearing on behalf of the petitioner submitted that as per statement of victim recorded under Section 164 of the Cr.P.C., thrust of allegation is available against co-accused Raju Kumar as he after solemnizing marriage in the Temple, committed rape/penetrative sexual assault upon her. It is submitted that petitioner being relative of the main co-accused, implicated with present case. It is further pointed out that similarly situated co-accused persons were granted anticipatory bail by this Court though Cr. Misc. No. 33065 of 2025 dated 19.05.2025. It is further pointed out that upon the medical examination, the victim was found more than 19 years and, therefore, *prima facie* lodging of this case under POCSO Act is bad in eyes of law. While concluding the argument, it is submitted that the investigation of this case is already



completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP while opposing the prayer of bail could not disputed the aforesaid factual submission as advanced.

8. Considering the aforesaid facts and circumstances and by taking note of fact as the implication of petitioner *prima facie* due to relation with main co-accused Raju Kumar, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 25.01.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Madhuban P.S. Case No. 441 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th District and Additional Sessions Judge VI cum Special Judge POCSO Act, East Champaran, Motihari/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.



(Chandra Shekhar Jha, J)

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