

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50202 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- BIBHUTIPUR District- Samastipur

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DHIRAJ KUMAR SAHNI @ DHIRAJ KUMAR SAHANI S/O LATE
BHELA SAHNI @ LATE BHOLA SAHNI @ BHELA SAHANI @ BHOLA
SAHANI R/O- VILLAGE- KALYANPUR, P.S- BIBHUTIPUR, DISTT.-
SAMASTIPUR. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. X D/O- Late Manoj Kumar Sahani ,R/O- Kalyanpur , P.S.- Bibhutipur, Dist-
Samastipur. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Gaurav Kumar, Adv.
For the State	:	Mr.Zainul Abedin, APP
For the O.P. No. 2	:	Mr. Shahbaj Alam, Adv.

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 09-12-2025 Heard learned counsel for the petitioner as well as the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Bibhutipur P.S. Case No. 263 of 2023, registered for the offences
punishable under Sections 376, 379, 380, 420, 506/34 of the IPC and
Sections 7/8 of the POCSO Act.

3. The prosecution case alleges that the petitioner Dhiraj
Kumar, a Railway employee, developed physical and intimate
relations with the informant at various places over a considerable
period on the repeated assurance of marriage. It is alleged that the
petitioner took her to different hotels and railway quarters at Patna,
Pulgaon (Nagpur Division), Nagpur, Bhalgapur, Muzaffarpur,
Munger and Motihari and continued physical relations with her on
the false pretext of marrying her. It is further alleged that the
petitioner took away her ATM card and withdrew Rs. 5,000/-



without her consent. Subsequently, when the victim demanded her ATM card back, the petitioner allegedly refused and later, declined to marry and threatened her with dire consequences, if any legal action was taken. It is also alleged that on 20.04.2023 at about 06:00 P.M., the petitioner came to the informant's house and with wrongful intention lifted the minor daughter of the complainant and touched her private parts. On her scream, the petitioner fled away extending the threats to the family members.

4. The learned counsel for the petitioner has submitted that the complainant is already a married lady having a child of eight years. He has further submitted that without having obtained a decree of divorce, according to her own statement, she had sexual relations with the petitioner. His further submission is that although a petition for divorce from her husband was pending, but until the moment, the decree of divorce is passed, she remains the legally wedded wife of her husband. The relationship between the petitioner and the complainant is consensual.

5. On the other hand, the learned counsel for the complainant has opposed the prayer for bail and submitted that the petitioner, on the false pretext of marriage, had sexual relations with the complainant.

6. The eight-year-old child of the complainant negates the allegation that the petitioner had touched her with evil intention. The statement of the child falsifies the allegation mentioned in the last



portion of the complaint petition.

7. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VI-cum-Special Court (POCSO) Act, Samastipur in connection with Bibhutipur P.S. Case No. 263 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC/482(2) of the BNSS, 2023.

(Nawneet Kumar Pandey, J)

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