

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49530 of 2025

Arising Out of PS. Case No.-54 Year-2025 Thana- AURAI District- Muzaffarpur

Birendra Kumar S/o Ramu Sahni @ Rambabu Sahni R/o Village- Medidih,
P.S.- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Shami S/o Saidur Rahman R/o Village- Mahesh Sthan (at present)
Medidih, P.S.- Aurai, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 13-10-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Aurai
P.S. Case No. 54 of 2025, instituted for the offences punishable
under Sections 64, 62, 351(2), 351(3), 332(b), 3(5) of the
Bharatiya Nyaya Sanhita, 2023 and Section 8 of the POCSO
Act.

3. The prosecution case, in short, is that the petitioner
along with other co-accused persons forcibly took informant's
minor daughter to an open field and tried to commit rape upon
her.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that no specific allegation has been attributed against the petitioner rather the same is general and omnibus in nature. It is further submitted that the petitioner and the informant are the resident of same village and due to land dispute, the petitioner has been falsely implicated in this case. The victim herself denied from any medical examination. The petitioner is in custody since 15.03.2025 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that there is specific allegation against the petitioner along with other co-accused persons of kidnapping the victim with an intention to commit rape upon her. It is further submitted that the victim has supported the prosecution case in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.



7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

Rajorshi/-

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