

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57049 of 2025

Arising Out of PS. Case No.-176 Year-2025 Thana- VAISHALI District- Vaishali

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Jitendra Sahani @ Gulten Sahani S/O Jaichandra Sahani @ Chandra Sahani
Resident of Village- Parmanandpur, PS- Vaishali, District- Vaishali
... .. Petitioner

Versus

1. The State of Bihar
 2. Baban Sahani S/O Saiphul Sahani R/O Village-Parmanandpur, PS-Vaishali,
Distt-Vaishali
- Opposite Parties
- =====

Appearance :

For the Petitioner : Mr. Pratima Kumari
For the Opposite Party : Mr. Ganesh Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-08-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Vaishali P.S. Case No. 176/2025 dated 06.04.2025 registered for the offence punishable u/s 118(1) of the B.N.S. and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the petitioner tried to commit unnatural sexual offence on the informant's grandson.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. Learned counsel for the petitioner placed



reliance on the judgment in the case of **Navtej Singh Johar and Ors. Vs. Union of India (Criminal No. 76 of 2016)** in which unanimously held Section 377 to be unconstitutional. The petitioner has one antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 13.05.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 176/2025, with the condition ;-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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