

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60008 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- TISIAUTA District- Vaishali

Baijnath Sahni @ Baidhnath Sahni, S/o Deveki Sahani, R/o village-Pindauta
Buzurg, P.S.- Tisiauta, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Tisiauta P.S. Case No.67 of 2025 registered for the
offences punishable under Section 64 of the Bhartiya Nyaya
Sanhita, 2023 (for short 'B.N.S.').

3. The accused/petitioner is named in the FIR and is
in custody since 11.05.2025.

4. Allegation against petitioner is to commit rape
upon informant aged about 50 years.

5. It is submitted by learned counsel appearing for
petitioner that the implication was raised in the background of
previous enmity related with son of the informant. It is pointed
out that within 24 hours of the occurrence, the informant/victim



and petitioner were examined medically but, nothing incriminating was surfaced, which may suggest that the rape was committed upon informant.

6. Arguing further, it is submitted that petitioner is in custody for more than six months, where charge-sheet in this matter was submitted on 30.06.2025 bearing Charge-sheet No.95 of 2025 but, even charge could not framed in this matter, which is in complete defiance of the timeline as provisioned under Section 346(1) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS')/309(1) of the Code of Criminal Procedure (for short 'CrPC'). It is pointed out that on this ground alone, the petitioner deserves bail. In support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme Court as available through **P. Ramachandra Rao vs. State of Karnataka [(2002) 4 SCC 578]**. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, 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 submissions and legal submissions.



8. In view of aforesaid factual and legal submissions and by taking note of overall nature of accusation, where even charge could not framed in this case despite of the fact charge-sheet was submitted on 30.06.2025, which appears in complete defiance of legal provisions as discussed aforesaid, where petitioner remains in custody since 11.05.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Tisiauta P.S. Case No.67 of 2025, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

