

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78814 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- MAHILA PS District- Darbhanga

Sidharth Kumar Sahni @ Sidharth Kumar Son of Shankar Sahni Resident of Village- Shisho West, P.S. - Mabbi, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ganita Devi Wife of Naresh Yadav Resident of Village- Shisho West, P.S.- Mabbi, Distt.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-01-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 376 and 34 of the Indian Penal Code as well as Sections 4 and 6 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case. It is submitted that the informant alleges that on 04.06.2024 at 11.00 P.M. petitioner along with Akhilesh Kumar lured her minor daughter and took her in the orchard of Anil Thakur where petitioner raped her from 12.00 A.M. till 3.00 A.M. while Akhilesh Kumar was guarding the place of occurrence. Thereafter, both the accused left the daughter of the informant near her house when the



victim came back and disclosed about the occurrence.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that the accused persons including the petitioner lured her daughter and took her to an orchard where petitioner is alleged to have committed rape but then had the petitioner raped the victim in that event he would have fled from the place of occurrence and would not have brought the victim near her house. It is next submitted that the FIR was instituted on 05.06.2024 and the occurrence is alleged to have been committed on 04.06.2024 in between 12 A.M. to 03:00 A.M. It is also submitted that the medical examination of the victim was conducted on 06.06.2024 but then the Doctor found no positive evidence regarding rape. Learned counsel, thus, submits that had the victim been raped by the petitioner as alleged in the FIR then definitely the Doctors would have found some evidence regarding rape.

5. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that there is specific allegation against this petitioner of committing



rape with the victim. It is further submitted that if petitioner is granted the privilege of bail he may abscond.

6. On query of the Court from the learned counsel appearing on behalf of the petitioner as to whether charges against the petitioner have been framed or not on which it has been fairly submitted that charges against the petitioner have not been framed.

7. Learned counsel for the petitioner at this stage seeks permission to withdraw the prayer for bail of the petitioner with liberty to renew his prayer for bail after framing of charge.

8. Permission is accorded.

9. Accordingly, the prayer for bail of the petitioner is dismissed as withdrawn in connection with Darbhanga Mahila P.S. Case No. 51 of 2024 pending in the Court of learned Special Judge (POCSO), Darbhanga/Successor Court.

(Satyavrat Verma, J)

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