

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86092 of 2024

Arising Out of PS. Case No.-116 Year-2020 Thana- KALUAHI District- Madhubani

Shankar Sahni Son of Budhan Sahni Resident of Village - Malmal, Police
Station - Kaluahi, District - Madhubani

... .. Petitioner

Versus

1. The State of Bihar
2. Mohan Yadav S/O- Late Yaduveer Yadav, r/o Vill- malmal, ps- kaluahi, dist-
Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-08-2025 Heard learned counsel for the petitioner and the State.

Despite valid service of notice, nobody appears for opposite
party no.2.

2. Petitioner seeks regular bail in a case registered for
the offence punishable under Section 364/365, 376 (D/A), 302,
201, 120B of the Indian Penal Code and u/s 4/6 of POCSO Act.

3. As per the prosecution case, in the night of
17.08.2020, around 09:00-09:30 p.m., the daughter of the
informant, namely Soni Kumari, went outside to ease out. When
she did not return for a considerable period, the family members
started to search her whereabouts. Despite hectic search, she
could not be traced out. In the morning, they got information
from the local people that a dead body is lying in the house of



Kishori Sahani of village-Malmal, who is a handicapped person. The informant went to the police station and informed the police about the same. When police party reached, he along with the police party went to the house of Kishori Sahani. As soon as he saw the dead body, he identified it to be the dead body of his daughter Soni Kumari. In the meantime, so many villagers had assembled there. On watching the articles around the place and from the discussion going among the local people, he came to know that co-accused Ram Nath Sahani, Vijay Kumar Sahani, Prasadi Sahni, Shivji Sahni, wife of Shivji Sahni and wife of Prasadi Sahani had together kidnapped his daughter, killed her and had concealed the dead body in the house. He has apprehension that the accused have together committed gang rape on his daughter.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the basis of suspicion. Only material that has come during investigation is that the petitioner was sleeping on the roof of house of co-accused Ramnath Sahni with Vijay Sahni on the night of incident. Petitioner claims clean antecedent. Charge sheet has already been filed. Petitioner is in custody since 30.5.2024 and similarly situated co-accused Ram



Nath Sahni has already been acquitted vide judgment dated 1.3.2024, passed in Cr.Apppeal (DB) No.727 of 2023.

5. Learned counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for regular bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI cum Special Judge, POCSO Act, Madhubani in Kaluahi Police Station Case No. 116 of 2020 (GR Case No. 43 of 2020).

(Prabhat Kumar Singh, J)

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