

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87414 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- MAHNAR District- Vaishali

Ranjit Kumar Sahani @ Ranjeet Sahni @ Ranjit Kumar @ Ranajit Sahni S/O
Suraj Sahni R/O Village- Lawapur Naraian Dih, P.S.- Mahnar, Distt.- Vaishali.
... .. Petitioner/s

Versus

1. The State of Bihar.
2. Pinki Devi W/O Harihar Sahni R/O Village- Lawapur, Narayandih, Ward
No. 6, P.S- Mahnar, Distt.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rewti Kant Raman, Advocate
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam, APP
For the O.P. No.	:	Mr. Deepak Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

9 22-07-2025 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the opposite party no. 2.

2. The petitioner seeks bail in connection with Mahnar
P.S. Case No. 231 of 2024 registered for the offence under
Sections 62/65(2) of BNS and Section 4/8 of POCSO Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 14.07.2024.

4. Allegation against petitioner is to commit rape upon
the daughter of the informant, aged about 10 years while she
came to house of petitioner in search of her younger sister.

5. Learned Counsel appearing on behalf of the petitioner
submitted that petitioner is 45 years old person and neighbour of



the informant and having six childrens. It is submitted that out of neighbourhood disputes and differences when petitioner was in process to leave this country for Israel in connection of his employment, the present false case was lodged against him. It is submitted that the implication of petitioner was out of ulterior and oblique motive arising out of neighbourhood disputes and differences and this facts can be gathered on its face that without having any allegation *qua* penetrative sexual assault, the charge-sheet was submitted under Section 4 of POCSO Act. It is also pointed out that FIR and statement of victim recorded under Section 164 of Cr.P.C./183 of BNSS, nowhere discloses that any penetrative sexual assault was committed upon her and at best the allegation covers offence under Section 8 of the POCSO Act. While concluding argument, it is submitted that victim was not examined medically in terms of request of mother of the informant given to SHO, Mahnar vide letter dated 15.07.2024, which also suggests false implication on its face.

6. Heard learned APP appearing for the State.

7. Mr. Deepak Kumar Singh, learned counsel appeared for opposite party no. 2.

8. Considering the facts and circumstances and by taking note of fact as statement of victim recorded under Section



164 of the Cr.P.C./183 of the BNSS, *prima facie* negating allegation *qua* penetrative sexual assault under Section 65(2) of BNSS/U/s 4 of POCSO Act, where admittedly the victim was not underwent medical examination, coupled with the fact that petitioner is in custody since 14.07.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Mahnar P.S. Case No. 231 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Vaishali at Hajipur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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