

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2344 of 2026

Arising Out of PS. Case No.-351 Year-2018 Thana- KANTI District- Muzaffarpur

Rakesh Sahani @ Rakesh Sahni S/o Gulichan Sahni R/o Village- Kalbari
Fatehpur, PS- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-01-2026 Heard Mr. Yugal Kishore, learned counsel for the
petitioner and Mr. Surendra Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
24.05.2025 in connection with POCSO G.R. No. 31/2023,
arising out of Kanti P.S. Case No. 351 of 2018, F.I.R. dated
18.06.2018, for the offences punishable under Sections 341,
323, 354, 366A, 504/34 of the Indian Penal Code.

3. According to prosecution case, on 16.06.2018 the
petitioner along with other accused persons came at the door of
the informant and started abusing and assaulting her. The
allegation against the petitioner is that he grounded the
informant and thereafter all the accused persons kidnapped the
minor daughter of the informant.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. Learned counsel for the petitioner further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. From a bare perusal of FIR, it appears that all the accused are named in the FIR. The victim was recovered and her statement was recorded u/s 164 of Cr.PC/Section 183 of BNSS, 2023 in which she has not stated anything about the petitioner and the similarly situated co-accused person, namely, Ganesh Sahani, has been granted regular bail by this Court vide order dated 03.11.2023 passed in Cr. Misc. No. 19691 of 2023 and the Police after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.05.2025.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and also the fact that the petitioner has clean antecedent, victim in her statement recorded u/s 164 Cr.PC./Section 183 of BNSS, 2023 in which she has not stated anything about the petitioner and the similarly situated co-accused person has been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Spl. Judge, POCSO, Court No. III, Muzaffarpur in connection with POCSO G.R. No. 31/2023, arising out of Kanti P.S. Case No. 351 of 2018, with the following conditions:

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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