

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32416 of 2026

Arising Out of PS. Case No.-328 Year-2025 Thana- MEHSI District- East Champaran

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Satyam Sahani@ Satyam Kumar S/o Bhikhari Sahani Resident of Village -
Hardiya, P.S. - Raghunathpur, Dist. - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XX S/o YY R/o Vill. - Amawa, Ward no. - 06, P.S. - Mehshi, Dist. - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 24-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mehshi P.S. Case No. 328 of 2025 dated 07.11.2025 registered for the offence punishable under Section/s 64, 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4, 6 of the POCSO Act.

3. As per the prosecution case, the accusation against the petitioner is that while the victim was being raped by the co-accused Ravindra Sahni, he was present there. It is also alleged that the petitioner has also threatened the victim to kill if she discloses the occurrence to any one.



4. Pursuant to the order dated 19.05.2026, the statement of the victim girl recorded under Section 183 of the B.N.S.S. was called for and even notices were sent to the Informant. From perusal of the report, it appears that the *Vakalatnama* has been filed by the O.P. No.2 but, despite repeated calls, no representation on behalf of the O.P. No.2 has been recorded.

5. Upon perusal of the statement of the victim girl recorded under Section 183 of the B.N.S.S., it appears that the specific allegation of physically and sexually assaulting the victim girl is against Ravindra Sahani, whereas not even a single whisper of any allegation has been made against the present petitioner.

6. Having heard learned counsel for the petitioner and considering the fact that no specific allegation has been made against the petitioner in the statement of the victim girl recorded under Section 183 of the B.N.S.S. rather, the specific allegation of overt act is against the co-accused, Ravindra Sahani and further considering the fact that the petitioner has a clean antecedent, let the petitioner, above named, be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned 7th District and Additional Sessions Judge -cum- Special Judge, POCSO Act, East Champaran, Motihari, Bihar in connection with Mehsi P.S. Case No. 328 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S. as well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner who shall provide official document / personal affidavit to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Ajit Kumar, J)

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