

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32949 of 2025

Arising Out of PS. Case No.-383 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

1. Sitaram Sahni S/o Late Ram Swarup Sahani R/o Village- Vajitpur Manjhouli, P.S.- Bochahaon, District- Muzaffarpur
2. Rajeev Sahni @ Rajeev Sahani S/o Ramkrit Sahani R/o Village- Vajitpur Manjhouli, P.S.- Bochahaon, District- Muzaffarpur

... .. Petitioners

Versus

1. The State of Bihar
2. Rani Kumari D/o Chulahi Sahni R/o Village- Vajitpur Manjhouli, P.S.- Bochahaon, District- Muzaffarpur

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs.Bela Singh, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 15-01-2026 Heard learned counsel for the petitioners and learned

APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Bochahan P.S. Case No. 383 of 2019 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 354, 379 of the Indian Penal Code and section 8/10 of the POCSO Act.

3. The allegation against the petitioner is to sexually assault and abuse informant/victim, who is aged about 14½ years, during course of occurrence.

4. Mrs. Bela Singh, learned counsel appearing on behalf



of the petitioners submitted that during investigation police found the allegation of sexual assault (non-penetrative), as alleged, wrong against the petitioners and, therefore, charge-sheet was not submitted under the POCSO Act, but by differing with police report without assigning any reason, learned trial court took cognizance against the petitioners.

5. It is submitted by learned counsel that in fact, this case was lodged in the background of monetary transaction dispute between the parties and this fact was also supported by the injured witnesses during course of investigation.

5. Explaining criminal antecedent of the petitioners, it is submitted by Mrs. Bela Singh that petitioner no. 1 was made accused in Bochahan P.S. Case No. 16/2008, which was settled in Lok Adalat on 14.12.2024, and so far as petitioner no. 2 is concerned, he was also made accused in Bochahan P.S. Case No. 04/2015, in which he was acquitted by the learned trial court, and, therefore, it can be said that there is no criminal antecedent of the petitioners for the present.

7. Learned A.P.P. for the State opposes the prayer of anticipatory bail of the petitioners.

8. In view of aforesaid factual submission and by taking



note of the fact as police during investigation found the allegation of sexual assault not correct, coupled with the fact that parties had litigating background, accordingly, above-named petitioners, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge–6th-cum-Special Judge, POCSO-I, Muzaffarpur/ concerned court in connection with Bochahan P.S. Case No. 383 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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