

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58889 of 2025

Arising Out of PS. Case No.-156 Year-2025 Thana- MAJHAULIA District- West Champaran

Dhrup Sahni @ Dhrup Kumar @ Dhrup Sahani Son of Gara Sahni R/o
Village - Senvariya, Ward no. 16, P.S - Majhauriya, Dist. - West Champaran.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Gayatri Devi Wife of Raj Kishore Sahni R/o Village - Senvariya, Ward no. 16, P.S - Majhauriya, Dist. - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Adv.
For the Opposite Party/s	:	Mr. Humayou Ahmad Khan, APP
For the O.P. No.2	:	Mr. Ajay Kr. Pandey, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 11-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. A prayer for bail has been made on behalf of the petitioner in connection with Majhauriya P.S. Case no.156 of 2025 registered under section 329(3), 126(2), 127(2), 115(2), 65(1), 352, 351(2) and 3(5) of BNS, 2023.

3. Allegation in the F.I.R is that petitioner committed rape with the informant's daughter.

4. Learned counsel for the petitioner submits that F.I.R itself has been lodged after a delay of three days, for which no explanation has been tendered. It is further submitted that both the parties have prior enmity and a simple case of physical altercation has been given colour of sexual assault and



provisions of Section 376 and the POCSO Act, has been maliciously inserted. It has also been submitted that the doctor has not find any sign of recent sexual assault, which is evident from the medical report. The petitioner is in custody since 20.03.2025 and has no criminal antecedent. He undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the opposite party no.2. on the ground that there is a direct allegation against the petitioner, which is supported by the victim not only in her statement recorded under Section 183 of the BNSS but also during the trial. Both the informant and the victim have been examined as prosecution witnesses and both have supported the case of the prosecution. Learned APP for the State has further submitted that, out of four witnesses, two have already been examined and the informant undertakes to have the remaining witnesses examined within a period of three months.

6. Taking into consideration the aforesaid facts and circumstances of the case and also considering the nature of allegations being supported by victim during trial and considering the fact that only two witnesses need to be examined, this Court is not inclined to grant bail to the



petitioner. However, liberty is granted to the petitioner to renew his prayer of bail, in case the prosecution witnesses are not examined with the stipulated period of three months.

(Soni Shrivastava, J)

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