

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68927 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- MAHILA P.S. District- Samastipur

Amarnat Sahni @ Tuntun Sahani, Son of Mahendra Sahni, Resident Of
Village- Bhore Jayram, PS- Khanpur, District- Samastipur

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Sunaina Devi, wife of Bihari Mahto, Resident Of Village- Bhore Jayram,
PS- Khanpur, Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Advocate Mr. Vinit Kumar, Advocate
For the State	:	Mr.Mukesh Kumar Singh, APP
For the O.P. No.2	:	None.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

10 17-06-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State. However, no one appeared on behalf of the
opposite party no.2.

2. In the present case, the petitioner seeks bail in
connection with Mahila P.S. Case No. 36 of 2024, registered for
the offences under Sections 448, 342, 376(D), 504/34 of the
Indian Penal Code and Section 4/6 of POCSO Act.

3. As per the prosecution case, the petitioner and other
co-accused Sudhir Kumar Mahto entered into the house of the
informant and forcibly took away her minor daughter and
committed gang rape with her. It is further alleged that earlier
also these persons committed gang rape with the daughter of the



informant.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that the first allegation of gang rape is of 23.05.2024, but no report was lodged with the police. Thereafter, the second occurrence took place on 31.05.2024, but again the FIR has been instituted only on 02.06.2024 without any explanation. The medical examination report does not support the incident of rape and only on the basis of ruptured hymen it was presumed that rape was committed. But it has come during investigation that the victim girl has been married twice and she and her mother are stated to be suspicious characters, who are habitual in lodging false cases against a number of persons including the Circle Officer, Khanpur. The learned counsel further submits that during investigation, the police gathered information from the statement of witnesses that there was a monetary dispute between the informant and co-accused Sudhir Kumar Mahto. A number of witnesses supported this fact and they also submitted application to the police in this regard that a false and fabricated case has been lodged by the informant. From the medical report, it is also apparent that there was no sign of any violence. Except



for the statement of the informant and her daughter, there is no reliable evidence against the petitioner, who has been implicated in this case merely because of the fact that he is friend of co-accused Sudhir Kumar Mahto. The petitioner is in custody since 16.06.2025 and is having clean antecedent. The charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. The learned APP submits that it is a case of gang rape and the informant as well as the victim have made direct allegation against the petitioner and the co-accused.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the period of custody of the petitioner and his clean antecedent and also considering the submission of charge-sheet against him, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Samastipur/court concerned, in connection with Mahila P.S. Case No. 36 of 2024, subject to the



condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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