

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35403 of 2020

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SURENDRA SAHNI Son of Ramdev Sahani Resident of Village- Simariya
Bhindi, P.S.- Khanpur, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Adv.
	:	Mr.Pramod Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 26-03-2021 Heard Mr. Baxi S.R.P. Sinha, learned senior
counsel for the petitioner and Mr. Mritunjay Kumar Nirala
learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Mahila P.S. Case No. 22 of 2020 instituted for the offences under Sections 341, 342, 323, 504, 506 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

The minor daughter of the informant is said to have been raped by the co-accused Randhir Kumar, who incidentally had come to his maternal uncle's house (co-



accused Baidyanath Sahani). When the informant went to complain against the aforesaid act of Randhir Kumar, Baidnath Sahani, Surendra Sahani and the petitioner are said to have abused and chased her away.

Learned senior counsel for the petitioner has submitted that assuming but not admitting the entire accusation in the F.I.R. to be true, the petitioner cannot be held responsible for the act of the nephew of a co-villager. The petitioner has got no direct concern with either the informant or the perpetrator of crime or with Baidyanath Sahani in whose house, the accused who is alleged to have raped the victim, had been staying.

Learned senior counsel for the petitioner, therefore, submits that the petitioner deserves to be enlarged on anticipatory bail.

However, considering the fact that a minor girl has been ravished, I am not inclined to grant anticipatory bail to the petitioner.

The prayer of the petitioner for grant of anticipatory bail is rejected.



This Court has been informed that Randhir Kumar, the accused person on whom there is a charge of rape is in custody and Baidyanath Sahani, the maternal uncle has been released on bail by the court below. In case the petitioner surrenders before the court below and seeks bail, the court below shall consider his application on its own merits, taking into account that his case is on better footing than the case of co-accused Baidnath Sahani and shall pass a reasoned order without being prejudiced by the fact that present petition on his behalf for grant of anticipatory bail has not been entertained.

(Ashutosh Kumar, J)

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