

In the Court of Sessions Judge, Vaishali
A.B.P. No. 836/2026

1. Vivekanand Sahni, aged about 34 years, S/o Shyamchandra Sahni, R/O of village–
Samaspura, P.S.-Lalganj, Distt.VaishaliPetitioner

Versus

State of Bihar

O.P.

Appearance :-

Learned counsel for the petitioner :- Sri Ramnath Sharma, advocate.

Learned P.P. for the State :- Sri Shyam Babu Rai,

Present : Harshit Singh,
Sessions Judge, Vaishali.

Date of order : 27th May 2026

Heard the learned defence counsel as well as learned Public Prosecutor on the anticipatory bail application filed on behalf of the above named accused petitioner under section 482 of B.N.S.S. who is apprehending his arrest in connection with Sarai P.S. Case No. 55/2026 registered u/ss. 126(2), 115(2), 109(1), 76, 64, 62, 137(2), 351(2) & 3(5) of B.N.S.

It is stated in Para 2 of the anticipatory bail petition that no bail application either anticipatory or regular has been filed in the present case either before this court of Sessions or before the Hon'ble High Court, Patna.

The prosecution case, in brief, is that on 20.02.2026 at about 04:40 PM, the fardbeyan of the victim/informant namely Madhu Kumari, was recorded by S.I. Jaya Kumari at Sadar Hospital, Hajipur. The informant alleged that she was working at Flipkart and used to reside at Sarai for her employment, while her parents lived in the village. She stated that on 18.02.2026, while she was returning home from work, near Suraj Chowk, accused persons namely (1) Vivekanand Sahni and (2) Nitish Kumar, arrived in a four-wheeler vehicle and forcibly made her sit inside the vehicle. It is alleged that accused Nitish Kumar was driving the vehicle. Thereafter, the accused persons took her towards the Muzaffarpur road. The informant further alleged that accused Vivekanand Sahni attempted to forcibly commit sexual assault upon her. When she resisted and raised alarm, the accused assaulted her and thereafter Vivekanand Sahni struck her on the head with an iron rod, causing grievous injury as a result of which

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she became unconscious. It is further alleged that when she regained consciousness, she found herself admitted at Sadar Hospital, Hajipur on 19.02.2026 at about 05:00 AM. She stated that the accused persons had taken her there in an injured condition, got her treated and thereafter fled away with the medical slip/prescription. Subsequently, upon receiving information, her parents arrived and shifted her to Government Hospital, Lalganj, from where she was again referred to Sadar Hospital, Hajipur for better treatment, where her treatment was continuing. The informant also alleged that prior to the occurrence, the accused persons used to harass and threaten her on the way while she went for work and threatened to abduct her.

The learned counsel for the above named accused petitioner submits that the accused/petitioner is innocent, has committed no offence and he has falsely been implicated in this case. It is further submitted by the learned counsel on behalf of the petitioner that prior to the alleged occurrence, petitioner Vivekanand Sahni filed Informatory Petition No. 856 of 2025 before the C.J.M., Hajipur against the informant of the present case and others. The petitioner is a driver and earns his livelihood by plying a four-wheeler. On perusal of the fardbeyan, it appears that the informant was admitted to Sadar Hospital, Hajipur on 18.02.2026 and was later treated at Referral Hospital, Lalganj, which creates doubt about the entire prosecution version. It also appears that the informant met with an accident, and taking advantage of the same, has lodged this case with an entirely palpably false and concocted story. Besides this, the petitioner has one criminal antecedent in which the petitioner is on bail and the same is pending in the court of A.D.J. 1. It is, therefore, the Ld. Counsel on behalf of petitioner prays to enlarge the petitioner on bail.

Learned P.P. for the State has opposed the prayer for anticipatory bail and submitted that the petitioner is a named accused in the F.I.R., and the petitioner has one criminal antecedent of a similar nature prior to this case, which indicates that he is a habitual offender. Therefore, the petitioner does not deserve the privilege of pre-arrest bail.

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Heard both sides and perused the case record and materials available on record. It transpires that the petitioner is a named accused in the FIR, and there are specific allegations against him of assault, attempted sexual intercourse, and kidnapping of the victim girl. The victim, in paragraph 2 of her statement, and the other witnesses, in paragraphs 3 and 4 of the case diary, have supported the factum of the occurrence. The victim girl, in her statement recorded under Sections 180 and 183 of the B.N.S., has supported the factum of the occurrence and stated that both accused persons forcibly abducted her and then attempted for sexual intercourse with her. When they did not succeed, they assaulted her, as a result of which she became unconscious. On further perusal of the injury report of the injured, Madhu Kumari, it transpires that she sustained following injuries which are:-

(i) Lacerated wound of size 3 cm x 1 cm.

The patient was referred to Sadar Hospital, Hajipur for CT Scan Brain and X-ra and as per CT Scan report no significant neuroparenchymal abnormality detected and as per X-ray Report no significant abnormality detected. The injury report of the injured shows nature of injury to be simple in nature caused by hard and blunt substance.

Considering the nature and gravity of the offence, the manner of occurrence, and the involvement of the petitioner as disclosed during investigation, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner. It is, therefore, the a nticipatory bail of the petitioner namely Vivekanand Sahni is hereby rejected.

(Dictated)

(Harshit Singh)

Sessions Judge, Vaishali

(A.B.P. No.836/2026)
(Vivekanand Sahni Vs. State of Bihar)

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