

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3416 of 2016

Arising Out of PS.Case No. -70 Year- 2015 Thana -NANHPUR District- SITAMARHI

=====

1. Prabhu Raut Son of Late Janak Raut Resident of village - Balasath,
Police Station Nanpur, District - Sitamarhi Petitioner

Versus

1. The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda

For the Opposite Party/s : Mr. Rajesh Kumar(App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 17-03-2016 Heard learned counsel for the petitioner, learned counsel
for the informant and learned counsel representing the State.

The petitioner seeks bail in connection with Nanpur P.S.
Case No. 70 of 2015 registered for the offences punishable under
Sections 376, 120B of the Indian Penal Code, Sections 4, 8 of
POCSO Act and Sections 67A, 67B of I. T. Act.

Allegedly, co-accused Bintu Sharma organizer of
coaching centre used to commit rape with Ishrat Pravin aged about
15-16 years, the daughter of the informant, and he got recorded
videography of the scene of rape by the petitioner and further the
same was circulated on the mobiles of other co-villagers.

Submission is of false implication and that against the
petitioner there is no allegation for committing rape, the petitioner
has got clean antecedent, he is aged about 40 years having four
children, due to dirty village politics he has been implicated,



nothing has been seized from possession of the petitioner, no witness has come forward to say that the petitioner videographed the scene and circulated the same on the mobile of any co-villager, the age of the victim girl has been assessed as 17-18 years by the medical board, in the statement recorded under Section 164 Cr.P.C. only it has been alleged against the petitioner that with the help of petitioner co-accused Bintu circulated the videography on the mobiles of other villagers and as such the petitioner who is suffering in custody since 24.09.2015 deserves sympathetic consideration to which learned APP duly assisted by learned counsel for the informant opposes.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and further admittedly, against the petitioner there is no allegation for committing rape, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Sitamarhi in connection with Nanpur P.S. Case No. 70 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court

concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--