

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23986 of 2016

Arising Out of PS.Case No. -226 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

=====

1. Shambhu Raut Son of Sri Chandrika Raut, resident of village- Kudwa
Mathia, P.S.- Chanpatia, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Smt.Veena Rani Pd.(App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 04-08-2016 Heard both sides.

The petitioner apprehends his arrest in Chanpatia P.S.
case No. 226 of 2015 under Section 323, 341, 376/511 of the
Indian Penal Code and under Section 34 of Protection of Children
from Sexual Offences Act.

The victim filed complaint case alleging therein that
on 10.09.2015 when she had gone to attend the call of nature the
petitioner untied her cloth and made attempt to commit rape with
her. On alarm being raised, many people came and the petitioner
managed to flee away.

It is submitted that all the allegations are false and
concocted. The petitioner even cannot walk and the petitioner has



also lost his eye sight by 75%. The victim is a major girl. Bhukhal Raut, father of the victim, filed complaint case No. 1114-C/2015 on the basis of which Chanpatia P.S. case No. 126 of 2015 was registered under Section 354 and other sections of the IPC in which father of the victim made allegation that accused persons of that case made attempt to outrage modesty of his daughter. It is further submitted that in that case father of the victim disclosed her age to be 25 years whereas in the present case the victim disclosed her age to be 15 years. The petitioner filed a case against Bhukhal Raut, father of the victim, and others under Section 341, 323, 379, 385/34 of the IPC being Chanpatia P.S. case No. 168 of 2015 on 20.07.2015. The victim filed complaint case on 15.09.2015 for the occurrence said to have taken place on 10.09.2015 only to save her father from the case lodged by the petitioner against her father about two months ago.

Considering the facts aforesaid and the fact that there is a case pending between the parties from before and father of victim also lodged a case earlier alleging outraging modesty of his daughter against the accused persons, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on

bail on furnishing 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-cum-Special Judge, POCSO Act, West Champaran at Bettiah in Chanpatia P.S. Case No. 226 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/-

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