

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25251 of 2017

Arising Out of PS.Case No. -440 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Jeetan Raut, Son of Nandan Raut, Resident of Village-Dhobaha, P.S.-
Shikarpur, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7
For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh
For the Informant : Mr. Umesh Chandra Verma

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 05-06-2017 Heard Mr. Sanjay Kumar no. 7, learned counsel

appearing on behalf of petitioner and Mr. Chandrasen Pd. Singh,

learned APP appearing for the State.

Petitioner is seeking regular bail in connection with

Shikarpur PS case no. 440 of 2016 for offences punishable under

Sections 363/366A/34 of Indian Penal Code.

The prosecution case in brief is that on 29.09.2016,

the daughter of the informant went outside her house to attend the

call of nature but in the meantime, accused Satam Yadav

kidnapped her for the purpose of marriage. On getting this

information, the informant went to the other accused persons

named in the *fardbeyan* and asked about the whereabouts of his



daughter but they abused the informant and asked him to go away. The informant alleged a conspiracy for kidnapping amongst the accused persons.

Learned counsel for the petitioner submits that the victim girl has been recovered and she made a statement under Section 164 of Code of Criminal Procedure (Annexure-2). In her statement under Section 164 of Code of Criminal Procedure, although the victim girl alleged that four accused persons namely Jitan, Satan, Dasrath and Jadu had committed wrongs with her but on investigation, police has not found the allegation of rape as true and correct and hence, the charge sheet has not been filed under Section 376 of Indian Penal Code. Learned counsel for the petitioner has further drawn my attention towards Annexure-5 which is a copy of the order dated 23.03.2017 passed in *Cr.Misc. no. 13877 of 2017 (Jadu Raut & Anr.. v. State. of Bihar)*. The perusal of the order shows that a co-ordinate Bench of this Court has granted regular bail to Jadu and Dashrath. Learned counsel for petitioner submits that case of the petitioner is similar to those who have been granted bail.

Learned APP opposed the prayer for bail however, he could not place any other material to persuade the court for rejection of the bail application.



In the facts and circumstances stated above, petitioner Jeetan Raut is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of 1st Addl. Sessions Judge-cum-Special Judge, Bettiah (West Champaran) in connection with Shikarpur PS case no. 440 of 2016 subject to the conditions: (i) one of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court. (ii) the petitioner will not induce any witness or tamper with the evidence. (iii) the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of their bail.

(Rajeev Ranjan Prasad, J.)

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