

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34824 of 2018

Arising Out of PS. Case No.-63 Year-2017 Thana- MAHILA P.S. District- Sitamarhi

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Lal Baboo Sahni @ Lal Babu Sahani S/o Ram Sewak Sahani, resident of
Village- Virar, P.S. Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr. Sri Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 14-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in **Sitamarhi Mahila P.S.**
Case No. 63 of 2017 registered for the offence punishable
under section 376 of the Indian Penal Code and Section 4/6 of
the POCSO Act.

Informant has alleged in her written complaint before
the Officer-in-charge of Mahila P.S. Sitamarhi that she is aged
about 13 years and on 09.10.2017 when she had gone outside
her house for cutting the grass then petitioner forcibly took her



in the bush and committed rape upon her. On raising alarm, co-villagers namely Vijay Mahto and Bipat Mahto came there and on seeing them, petitioner fled away. The incident was reported to the father of the petitioner and he said that the matter will be resolved in Panchayat but the same was not resolved then she went to the police station but her complaint was not taken by the Officer-in-charge, as such she has lodged this written complaint on 22.10.2017 after coming to Sitamarhi.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been further submitted that the petitioner is aged about 45 years and on 19.10.2017 he had lodged a case of assault against the brother of informant and present case has been lodged in retaliation of the said case. The case has been lodged after 13 days of the occurrence. The medical report does not support the version of informant of rape. No injury was found. No opinion has been given by Medical Board about commission of rape or not. The age has been assessed to be 15 to 17 years. Petitioner has got no criminal antecedent and is in custody since 07.04.2018. Chargesheet has been submitted.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon



furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned **ADJ-I, Sitamarhi-cum-Special Judge**, in connection with **Sitamarhi Mahila P.S. Case No. 63 of 2017**, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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