

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37197 of 2020**

Arising Out of PS. Case No.-37 Year-2020 Thana- MAHILA P.S. District- Samastipur

SHATRUDHAN RAUT @ SHATRUDHAN PAL Son of Late Kusheshwar
Raut Resident of Village- Devanpur, P.S.- Rosera, District- Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 12-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Mahila P.S. Case No. 37 of 2020 registered for the offences punishable under Section 376 (DA) of the Indian Penal Code and Section 4/18 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

As per the prosecution story the informant who is also the victim of this case, has alleged that on 12.06.2020 she went to attend nature's call and when she was returning, this petitioner



along with other co-accused surrounded her and had committed rape upon her. When she shouted all of them fled away and then she came home and narrated the entire story to her parents.

Learned counsel for the petitioner submits that it is out and out a false case registered against the petitioner with oblique motive.

Learned counsel submits that the petitioner does not belong to the informant's village. The police visited the place of occurrence on the same day of the F.I.R. but no sign of rape or struggle mark was found in the field i.e. the alleged place of occurrence.

Learned counsel further submits that a medical board was constituted immediately after the alleged occurrence to examine the victim girl. The medical board has recorded a categorical finding that suggests (i) No injury and foreign body seen over body and private parts, (ii) Hymen intact and no sign of internal and external violence seen and (iii) In the opinion of doctor, there is no sign of rape.

Learned counsel submits that similarly situated co-accused Rajesh Raut and Chandradev Mahto have been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 37276 of 2020 vide order dated 23.02.2021.



Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, however, in course of hearing does not deny that the medical board report does not support the prosecution case.

Considering the facts and circumstances of the case, the categorical findings of the medical board and the fact that the co-accused similarly situated have been granted bail by a learned co-ordinate Bench of this Court, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Protection of Children from Sexual Offences (POCSO) Act, Samastipur in connection with Mahila P.S. Case No. 37 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that during the pendency of the trial, the petitioner shall not visit the place where the victim girl is residing and in no case shall try to contact her or her family members.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

