

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24005 of 2021

Arising Out of PS. Case No.-241 Year-2020 Thana- RAFIGANJ District- Aurangabad

SANOJ KUMAR S/O LATE MAHABIR PRAJAPATI R/o village- Chabura,
P.S.- Anti, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-01-2022 Heard Mr. Krishna Prasad Singh, learned Senior Advocate for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Rafiganj P.S. Case No. 241 of 2020 dated 28.09.2020 instituted for the offences under Sections 376, 313, 420 and 120(B) of the Indian Penal Code and Section 12 of the POCSO Act and Section 3(1)(r)(s) of the SC/ST (POA) Act.

The accusation in the FIR is that the daughter of the informant who was 16 years of age was cheated into submitting to sexual desires of unscrupulous persons who had given assurance that she would be appointed as an Asha Worker. Because of that, she became pregnant. The accusation further reveals that



the victim was given an abortifacient tablet and when her condition became serious, she was admitted in Sai Hospital, where she was provided medical treatment.

Learned counsel for the petitioner has submitted that he was a Compounder posted at Sai Hospital.

Mr. Singh, Senior Advocate for the petitioner has further submitted that the petitioner as a Compounder, on the instructions of the doctor on duty had attended to the victim without knowing her age or the background facts of her having been raped by accused persons. Had the petitioner not acted promptly in providing medical aid to her and would have waited for knowing the background facts, perhaps the victim would have lost her life.

Thus, the petitioner as a medical worker has done his duty to the best of his ability. Saddling him with the accusation of rape and the offences under the POCSO Act and SC/ST (POA) Act is highly unwarranted. The petitioner, according to the learned counsel, has given a yeomen service to a person in need.

Considering the aforementioned submission, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production



of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI cum Special Exclusive Judge (POCSO), Aurangabad in connection with Rafiganj P.S. Case No. 241 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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