

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36791 of 2021**

Arising Out of PS. Case No.-25 Year-2021 Thana- PARSAUNI District- Sitamarhi

SHATRUDHAN BAITHA @ SHATRUGHAN BAITHA @ SHATRUHAN
BAITHA S/O BINDESHWAR BAITHA @ VINDESHWAR BAITHA R/o
village- Madanpur, Ward No.- 4, P.S.- Parsauni, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr. Sunil Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 25-01-2022 Heard learned counsel for the petitioner and the State.

The matter has been taken up through video conferencing.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 376(AB) of the Indian Penal Code and u/s 4/6 of POCSO Act.

As per the prosecution case, this petitioner entered into house of the informant and committed rape with minor daughter of the informant.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. The victim has been medically examined and the doctor found her age between 14-17 years and opined that it is very



difficult to say whether rape has been committed or not. It is further submitted that victim in her statement u/s 164 of the Cr. P. C has not supported the allegation of rape. Petitioner claims clean antecedent and is in custody since 21.02.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case, the period of custody of the petitioner as well as the medical report and statement of victim recorded u/s 164 of the Cr. P. C., let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI-cum- Special Judge, POCSO Act, Sitamarhi in connection with Parsauni PS case No. 25/2021.

(Prabhat Kumar Singh, J)

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