

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43825 of 2021

Arising Out of PS. Case No.-245 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

Sunil Raut Son of Subodh Raut Resident of Village - Gadha, Police Station -
Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Runnisaidpur P.S. Case No. 245 of 2021 registered for the
offence under Sections 363 and 366(A) of the Indian Penal
Code and Section 8 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.04.2021.

The allegation against the petitioner is to kidnap the
victim, who is the daughter of the informant and also of sexual
assault.

Learned counsel appearing on behalf of the petitioner
submitted that from bare perusal of the F.I.R., it appears that



victim recovered immediately after two hours of the occurrence from a public place, which *prima facie* creates a doubt as regard to the allegation as alleged. It has also been submitted that being co-villager, the petitioner is in inimical terms with the informant. It has further been submitted that statement of victim as recorded under Section 164 Cr.P.C. is nowhere suggest about the sexual intent of the petitioner and as so, the allegation as regard to sexual assault is appearing doubtful. While concluding the argument, it has also been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that the statement of victim recorded under Section 164 Cr.P.C. is not suggesting sexual intent of the petitioner.

Considering the facts and circumstances as mentioned above, as the statement of victim recorded under Section 164 of Cr.P.C. is not suggesting about the sexual intent of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Runnisaidpur P.S. Case No. 245 of 2021 on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge, Sitamarhi, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Subodh Raut, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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