

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37987 of 2022**

Arising Out of PS. Case No.-318 Year-2021 Thana- RIGA District- Sitamarhi

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Raushan Kumar @ Raushan Kumar Raut, S/o Gonour Raut, R/o village-  
Bhagwanpur, P.S.- Bathana, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ayush Kumar, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      31-08-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office  
be removed within four weeks from the date of resumption of  
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in  
connection with Riga P.S. Case No. 318 of 2021 registered for  
the alleged offences under Sections 346, 366 (A), 376, 506, 34  
of the Indian Penal Code and Section 4/6 of POCSO Act.

As per the prosecution case, the minor informant gave  
a written report for registration of an FIR alleging therein that  
the co-accused Gautam Kumar Raut giving allurement of  
marriage started conversing with her regularly and on  
04.08.2021, he along with the co-accused persons kidnapped her



for the purposes of marriage and she was taken to different places and the co-accused Gautam Kumar Raut committed rape with her. On 30.08.2021, she was again brought back to her house and the petitioner and the co-accused persons demanded dowry for marriage of the informant with the co-accused.

The learned counsel for the petitioner submits that the whole prosecution story is false and fabricated as is apparent from the contents of the written report. The FIR has been registered after a delay of 41 days which shows afterthought and deliberation. It is not believable that the whole family including the father, brother, sister and sister-in-law all would come and kidnap the informant. It is also apparent from the FIR that the informant was in close contact with the co-accused Gautam Kumar Raut and there was love affair between them. Then it is also not believable that the informant was taken to different places and that too on a bus and she did not raise any hue and cry. The version of the informant regarding marriage is not consistent as at one place, she has stated that the co-accused did not want to marry her and at another place, she has stated that the co-accused was forcing her not to marry anywhere. So far as the case of the petitioner is concerned, no allegation of rape has been attributed against him and the allegations against him are



general and omnibus in nature. The medical report also belies the claim of rape as hymen was found intact and no signs of rape was observed. The age of the informant was assessed to be 17-19 years. The FIR has been registered only out of personal grudge and to wreck vengeance. The petitioner is in custody since 22.04.2022 and the charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail submitting that there is allegation of rape and the petitioner and other co-accused persons are equally liable. The informant, a minor girl, has supported the prosecution case even in her statement under Section 164 Cr.P.C. wherein complicity of all the accused persons have been shown.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that specific allegation of rape and other wrong-doing is against the co-accused Gautam Kumar Raut and further considering the report of medical examination, it seems false implication cannot be ruled out and also considering the submission of charge sheet and the period of custody of the petitioner and his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties



of the like amount each to the satisfaction of learned Additional District Judge-CI-cum-Special Judge (POCSO), Sitamarhi, in connection with Riga P.S. Case No. 318 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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**(Arun Kumar Jha, J)**

