

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44512 of 2022

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

1. Gonour Raut S/o Late Sahdev Raut R/o village- Bhagwanpur, P.S.- Bathana, District- Sitamarhi
2. Meena Devi W/o Gonour Raut R/o village- Bhagwanpur, P.S.- Bathana, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

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

As per prosecution case, the co-accused Gautam Kumar Raut, giving allurements of marriage to the informant, entered into love affair with her. On the date of occurrence, the co-accused along with these two petitioners who are his parents-in-law and other co-accused persons forcibly took away the informant in a four wheeler and the co-accused committed rape



with her on a number of occasions. He also told her that he would solemnize marriage only after getting Rs.2,00,000/- in cash and a motorcycle and a gold chain in dowry.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. It is apparent from the FIR that there was love affair between the co-accused Gautam Kumar Raut and the informant and they were talking with each other every day and it also appears that she willingly went away with him. Learned counsel further submits that all the family members of the petitioners have been falsely implicated in this case. There is delay of 41 days in registering of FIR for which there is no explanation. Medical report does not support the allegation of rape and the whole occurrence appears to be false and concocted. The petitioners are in custody since 22.04.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioners are parents of the co-accused Gautam Kumar Raut with whom the informant was allegedly having a love affair and allegation against them is that of helping their



son with the abduction and rape of the informant and considering the strong possibility of false implication and further considering their period of custody along with their clean antecedents and the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI, Sitamarhi in connection with Riga P.S. Case No. 318 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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