

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56207 of 2021

Arising Out of PS. Case No.-319 Year-2019 Thana- PAROO District- Muzaffarpur

Chandeshwar Mahto, son of Bangalu Mahto, Resident Of Village- Kataru,
P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Raju Kumar, Advocate

For the Opposite Party : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Narendra Kumar Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Paroo P.S. Case No. 319 of 2019, G.R. No. 89/2019 registered for the offences punishable under Sections 376/34 of the Indian Penal Code read with section 3, 4 and 8 of POCSO Act. He is in custody since 27.01.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the daughter of the informant was going to her Bathan on 13.05.2019 at 7:00 P.M., on way her neighbour namely, Ranjan Kumar, son of this petitioner forcibly committed rape on her by putting her under



threat pointing out a knife on her. It is alleged that the boy Ranjan Kumar asked the victim girl not to disclose it to anyone otherwise the entire family members would be killed. After two days the said boy fled away to Punjab and the victim girl did not disclose this occurrence to anyone. After about one month of the alleged occurrence when she started feeling pain in her stomach then ultrasound was done and it was found that there was a foetus of about 70 days in her abdomen.

At this stage, it is alleged that the informant seriously asked his daughter about what had happened to her and then his daughter disclosed about the alleged occurrence. Till this stage, there is no allegation against this petitioner, in the later part of the F.I.R. it is alleged that when the informant went to this petitioner to make a complaint against his son then this petitioner asked him not to tell it to anybody and he will give him money in lieu of that. He asked him to get the foetus aborted but the informant refused to do so. It is alleged that the Panchayati was held and the panchayat took a decision to get the boy and the girl married and asked the petitioner to call his son from Punjab to which the petitioner agreed but thereafter he is not taking steps to call the boy and is refusing to marry him with the victim girl.



Learned counsel for the petitioner submits that from a bare reading of the F.I.R., it would appear that the alleged occurrence had taken place for more than two months back and the victim girl had not disclosed this to anyone. Even after it was known to her that she has become pregnant she has made allegations only against the son of the petitioner. No role has been assigned to this petitioner in the alleged occurrence of rape. It is submitted that the petitioner being father of the said boy has been falsely implicated only because he is unable to call upon his son from Punjab to perform a marriage with the victim girl.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner saying that the petitioner happened to be the father of main accused Ranjan Kumar, it is not denied that so far as this petitioner is concerned, there is no allegation that he had in any way been instrumental in the alleged occurrence of rape.

Having regard to the submissions noted hereinabove and the specific allegation as disclosed in the F.I.R. is against the son of the petitioner and not against this petitioner, in the nature of the materials this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. 7th – cum – Special Judge, POCSO Act, Muzaffarpur, in connection with Paroo P.S. Case No. 319 of 2019, G.R. No. 89/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that during pendency of trial the petitioner shall not either himself or through anybody else approach the victim girl or her family members and in case it is found that he is indulged in threatening of any of the witnesses, it will be open for the informant to bring it to the notice of learned court below for an appropriate action.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

