

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61140 of 2021

Arising Out of PS. Case No.-83 Year-2021 Thana- SAHPUR District- Bhojpur

1. SHASHI RANJAN @ SHASHI RANJAN KUMAR S/o Mr. Sita Ram Singh @ Sita Ram Mahto R/o village- Ekrasi, P.S.- Bagen, District- Buxar, At present residing at Village- Virpur, P.S.- Shahpur, District- Bhojpur
2. Lalu Mahto @ Lalu Kumar Mahto S/o Mr. Dadan Mahto @ Dadan Singh Kushwaha R/o village- Virpur, P.S.- Shahpur, District- Bhojpur
3. Gorakh Mahto @ Gorakh Kumar Mahto S/o Mr. Sheoji Mahto R/o village- Virpur, P.S.- Shahpur, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagadeo Choubey, Advocate

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-03-2022 Heard learned counsel for the petitioners and no one appeared for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 376(D) and 354(B) of the Indian Penal Code read with Section 4 of the POCSO Act and Sections 3(1)(r)(s), 3(ii)(v) of the SC/ST Act.

Learned counsel for the petitioners submits that the petitioners are in custody since 31.03.2021, are persons with clean antecedent and final form after investigation was submitted by the police.

Learned counsel for the petitioners submits that the



informant alleges that on 29.03.2021 at 11:00 am, she had gone to attend nature's call when at 11:10 am, Shashi Ranjan and Lalu came on motorcycle being driven by Lalu and Shashi Ranjan forcefully lifted the informant and took her to a desolated place and thereafter called Basant, Gorakh and one unknown accused. It is further alleged that they took her to the wheat field of one Ashok Yadav where Gorakh undressed her while Lalu and unknown accused were holding her hands and legs and Shashi Ranjan, Lalu and unknown accused raped her in turn and thereafter Basant hit her with slippers while Gorakh held her hand and after committing rape the accused fled. The informant further alleges that she after wearing her clothes came near a boring from where the villagers and her family members took her to her place.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the petitioners are falsely implicated in the present case as a girl who is gang-raped, as alleged, will not be even in a position to walk when the informant alleges that she after wearing clothes came near a boring where she was weeping when her family members and villagers came. Learned counsel further submits that police after threadbare investigation found



the case false and submitted final form in favour of the petitioners dated 26.06.2021 (Annexure '2' to the bail application). Learned counsel submits that petitioner no.3 had instituted Shahpur P.S. Case No. 85 of 2021 against Rajesh Pandey and Jai Shri Ram Pandey who were indulging in lewd act with the present informant who had accompanied them willingly and when the petitioners found the informant in their company, they objected on which they assaulted the petitioner. Learned counsel thus submits that since the petitioner had objected and had instituted Shahpur P.S. Case No. 85 of 2021 as such the informant out of animosity and ill will and to conceal her lewd act, implicated the petitioners falsely by instituting the present F.I.R. Learned counsel further submits that the learned court below differed with the police report and took cognizance vide order dated 02.08.2021. It is further submitted that even the medical report negates rape and the informant was assessed in between 17-19 years by the doctor. Learned counsel thus submits that one investigating agency has found the case false and based on the same report the learned court below has taken cognizance as such the petitioner for the present deserves to be enlarged on bail.

No one has appeared on behalf of the State to oppose



the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody, charge-sheet has been submitted in the case, the petitioners are persons with clean antecedent and taking into consideration the submissions made by the learned counsel for the petitioners, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sahpur P.S. Case No. 83 of 2021.

(Satyavrat Verma, J)

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