

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64662 of 2021

In
CRIMINAL APPEAL (SJ) No.2975 of 2021

Arising Out of PS. Case No.-241 Year-2020 Thana- RAFIGANJ District- Aurangabad

DR. BARUN KUMAR SHARAN @ VARUN KUMAR SHARAN S/o
Radhika Mohan Sharan Resident of Flat No. 202, Kartik Paradize Shivpur,
New Area Public School Chitkohra, Anisabad, P.S.- Chitkohra, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Tetri Devi W/o Ruplal Chaudhary R/o village- Shimwa, P.S.- Rafiganj,
District- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma Md. Mustaq Alam
For the State	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 13-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of 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 Rafiganj P.S. Case No. 241 of 2020 registered for the alleged offences under Sections 376, 313, 420, 120(B) of the Indian Penal Code and Section 12 of POCSO Act & Section 3(i) (r) (s) of SC/ST (POA) Act.

The prosecution case is that the petitioner who is a doctor aborted the pregnancy of daughter of the informant who was trapped



into sex racket by co-accused Ranju Devi.

Learned counsel for the petitioner submits that there is no allegation against this petitioner in the whole FIR except that he aborted the pregnancy of the daughter of the informant. The allegations are mainly against co-accused Ranju Devi that she enticed the daughter of the informant in sex racket on pretext of giving her some money as Aasha Worker. Learned counsel further submits that it is also apparent from the FIR that the petitioner has got no role in the whole occurrence as the co-accused got the daughter of informant admitted in the hospital of petitioner when her condition deteriorated and unless there is allegation of some gross negligence, the petitioner could not be held liable for an act which come under his professional duty. Learned counsel further submits that from the facts it is also apparent that no offence under the provisions of SC/ST (Prevention of Atrocities) Act is made out or even under provisions of POCSO Act. Moreover, the daughter of the informant is a married lady and she is aged about 20 years. Learned counsel further submits that co-accused Ranju Devi has been granted bail vide order dated 01.11.2021 passed in Cr. Misc. No. 43719 of 2021. The petitioner is in custody since 26.06.2021.

Learned counsel appearing on behalf of the informant as well as learned APP for the State vehemently oppose the prayer for bail of the petitioner submitting that the petitioner is also involved in the wrong doing of co-accused Ranju Devi.



Perused the record.

Having regard to the submissions made hereinabove and considering the allegation against this petitioner that he treated the informant and aborted her pregnancy and there is no further material on record to show the complicity of the petitioner in the alleged offence and further considering the period of custody of the petitioner, the petitioner above named 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 and Sessions Judge VI-cum-Special Exclusive Judge (POCSO), Aurangabad (Bihar) in connection with Rafiganj P.S. Case No. 241 of 2020, subject to 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 for 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.

(Arun Kumar Jha, J)

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