

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49398 of 2014**

Arising Out of PS.Case No. -67 Year- 2014 Thana -SONEPUR District- SARAN

- =====
1. Dhananjay Mahto, Son of Sheo Prasad Mahto @ Bhagelu Mahto, resident of village and P.S. Doriganj, Distt Saran.
  2. Shayam Babu Mahto, Son of Sri Prasad Mehta no 2 is resident of village- Akilpur Police - station Sonepur district Saran.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Najmul Hoda, Advocate.

For the Opposite Party : Mr. J.N.Thakur(App)

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

2 09-04-2015

Heard both sides.

Petitioners apprehend their arrest in a case under  
Section 376 of the I.P.C.

The prosecutrix alleged that when she went in the field  
to cut the grass, petitioner no. 1 Dhananjay Mahto, the nephew of  
Shayam Babu Mahto petitioner no. 2, committed rape with her.

It is submitted that there is no allegation against the  
petitioner no. 2.

On the other hand, learned Additional P.P. opposed the  
prayer for anticipatory bail.

Considering the facts that the victim simply stated the

name of Shayam Babu Mahto but did not allege anything against him.

Considering the facts aforesaid, petitioner no. 2 Shayam Babu Mahto, is directed to be released on bail, in the event of his arrest or surrender before the learned Court below within four weeks from the date of receipt/production of a copy of the order on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M., Saran at Chapra, in connection with Sonapur P.S. Case No. 67 of 2014, subject to the conditions as laid down under Section 438(2) Cr. P.C.

So far as the case of petitioner no. 1 Dhananjay Mahto is concerned, there is very specific allegation that he committed rape with prosecutrix.

Considering the facts, I am not inclined to enlarge the petitioner no. 1 on anticipatory bail. Accordingly, the same is rejected.

U.K./-

**(Prabhat Kumar Jha, J)**

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