

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43105 of 2014

Arising Out of P. S. Case No. -71 Year- 2014 Thana -SAHIYARA District-
SITAMARHI

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Gulab Mansoori son of Jitu Mansoori @ Phool Md., resident of village-
Manjhaura, P.S.- Riga, District- Sitamarhi

.... Petitioner

Versus

The State of Bihar Opposite Party

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with

Criminal Miscellaneous No.8771 of 2015

Arising Out of PS.Case No. -71 Year- 2014 Thana -SAHIYARA District-
SITAMARHI

=====

Dinesh Mahto S/o Late Ramji Mahto resident of village- Orlahiya, P.S.-
Sahiyara, District- Sitamarhi

.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

(In Cr.Misc. No.43105 of 2014)

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

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

(In Cr.Misc. No.8771 of 2015)

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary 1, APP

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

4 19-03-2015 Both these applications arise out of Sahiyara P. S. Case

No. 71 of 2014 for the offence punishable under Sections 376,
379, 406, 420, 120B/34 IPC, as such, they have been heard
together and are being disposed of by this common order.

Heard both sides.

The prosecution case, in brief, is that the prosecutrix
aged about 14 years had access to the house of Dinesh Mahto and
Gulab Mansoori was his driver and he had also access to the house

of prosecutrix. Dinesh Mahto committed her rape and Gulab Mansoori had helped him and photographs were also snapped.

It is submitted on behalf of Gulab Mansoori that he was the driver of father of the prosecutrix. Prior to this occurrence, some salary was due with the father of the prosecutrix, as such, he has been falsely implicated in this case and there is no allegation of outraging the modesty of the prosecutrix.

It is submitted on behalf of Dinesh Mahto that he has been falsely implicated in this case as according to the complaint case, occurrence was being continued for a period of eight months but the case has been lodged at a belated stage. The allegation that the wife of Dinesh Mahto caught hold of prosecutrix and Dinesh Mahto committed rape is not fit to be believed. Dinesh Mahto has no criminal antecedent and he has been in custody since 10.9.2014.

It is submitted on behalf of other side that there is specific allegation of overact against Dinesh Mahto that he had committed rape and photographs were also snapped with an intention to blackmail the prosecutrix. When the treatment was made to the prosecutrix, her age was estimated as 15 years. After investigation the case has been found true and the charge-sheet has been submitted.

Considering the facts and circumstances, in my opinion, petitioner Dinesh Mahto of Cr. Misc. No. 8771 of 2015 does not

deserve bail at this stage. His prayer for bail is rejected. Let the trial be expedited.

So far petitioner Gulab Mansoori of Cr. Misc. No. 43105 of 2014 is concerned, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/court concerned in Sahiyara P. S. Case No. 71 of 2014 **after framing of charge** with following conditions:-

1. The petitioner will not indulge himself in similar or any other offence.
2. One of the bailors must be the close relative of the petitioner.
3. The petitioner will be well represented in the Court on each and every date and in case of absence for two consecutive dates or in case of violation of terms of bail, his bail bond would be liable to be cancelled by the learned Court concerned.

(Amaresh Kumar Lal, J)

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