

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45925 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -KANHAULI District- SITAMARHI

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1. Mukesh Mahto Son of Ram Prasad Mahto @ Lallo @ Lalua Resident of
Village - Bhaluaha, P.S. - Kanhauli, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 03-03-2016 Supplementary affidavit has been filed on behalf of

the petitioner annexing therewith the Photostat copy of certified
copy of the deposition of the victim/informant. Keep it on the
record.

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence
punishable under section 376 (D) of the I.P.C, section 3 (xi) (xii)
of the SC/ST Act and section 4/12 of the POCSO Act.

Allegedly, the petitioner committed rape with the
informant in the night after taking away her in Sareh, west to the
village, whereas other co-accused were catching hold her.

Submission is of false implication and that the victim

has been examined by the doctor and the doctor has assessed her age 15 to 17 years and has not found any sign of rape, during trial the victim has been examined as P.W. 7 but she has not supported the allegation of rape and as such the petitioner who is suffering in custody since 03.08.2015 deserves sympathetic consideration.

The learned A.P.P. after going through the Photostat copy of the deposition of the informant/victim fairly submits that now the victim is not supporting her earlier version.

In the facts and circumstances as stated above, now the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I, Sitamarhi in S. Tr. No. 37 of 2015 arising out of Kanhauli P.S. Case No. 002 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

It is submitted on behalf of the petitioner that the case of the petitioner is before the Special Judge, POCSO Act and as

such the learned counsel for the petitioner seeks permission to amend the prayer portion of the application.

Permission is granted. The learned counsel for the petitioner is permitted to correct the same during course of the day.

(Jitendra Mohan Sharma, J)

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