

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33471 of 2016

Arising Out of PS.Case No. -185 Year- 2015 Thana -TARIYANI CHOWK District- SHEOHAR

- =====
1. Dilip Mahto son of Kishori Mahto
2. Santosh Mahto son of Kishori Mahto Both R/o Vill- Sarwarpur, P.S.-
Tariyani, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-09-2016

Heard learned counsel for the petitioners and the State.

The petitioners are in custody in connection with Tariyani P.S.Case No. 185 of 2015 registered under Sections 366(A)/34 IPC, Section 302, 376(D), 120(B)/34 IPC and Section 4 of the Protection of Children from Sexual Offences Act and also u/s 3(1)(XII) of Schedule Cast and Schedule Tribes (Prevention of Atrocities)Act, pending in the Court of learned A.D.J.- 1st,Sheohar.

It is alleged by the informant, Bachhi Devi, that on 02.12.2015 her daughter ,namely, Rani Kumari was enticed away from her village at 11.00 P.M. in the night by Kishori Mahto, Malti Devi, Santosh Mahto, Dilip Mahto and Sanju Kumari, who are her villagers and further they belong to another caste. It is

further alleged that Kishori Mahto sent her daughter Sanju Kumari three time for calling her and when the informant went to sleep in the night at 11 P.,M., Sanju Kumari took her away for watching a fair as both were friends and are reading in Class V in the same school. She was searched for two days but no trace came out and suspected that Kishori Mahto is indulged in such activity.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 06.06.2016. Charge sheet has been submitted in this case. The petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have been named in the FIR on the basis of suspicion. After investigation charge sheet has been submitted for offence under Sections 302, 376 and other allied Sections of the Indian Penal Code. There is no eye witness to the alleged occurrence nor any motive has been alleged against the petitioners.

On behalf of the State, it has been submitted that the petitioners are named in the FIR and co-accused, Birju, in his confessional statement has admitted that he along with the petitioners committed rape on the victim and subsequently had thrown her dead body in the water. Post Mortem Report indicates no external or internal injury on the body of the deceased but

cause of death is asphyxia.

Considering the facts and circumstances of the case,
I am not inclined to grant bail to the petitioners and same is
rejected. The court below is directed to take all steps to expedite
the trial.

(Sudhir Singh, J)

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