

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27198 of 2016

Arising Out of PS.Case No. -110 Year- 2015 Thana -LAUKARIA District-
WESTCHAMPARAN(BETTIAH)

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Prem Mahato, s/o Rajeshwar Mahato, resident of village- Kala Bariya, P.S.
-Laukariya, District-West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. S.R.P. Sinha, Sr. Adv.
For the informant : Mr. Brijkishore Mishra, adv.
For the Opposite Party/s : Mr. Sri Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 15-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking regular bail in connection with POSCO Case No.35 of 2015, arising out of Laukariya P.S. Case No.110 of 2015, registered for the offence punishable under Section 376-D/34 of the Indian Penal Code and under Section 4 of the POSCO Act.

Allegation has been made by the victim girl that three persons including the present petitioner gagged her mouth and took her toward forest and committed rape one by one.

Learned counsel for the petitioner submits that the Doctor did not find any sign of rap and she is habitual to the sex.

From the order of the Sessions Judge, it appears that the victim has filed an affidavit that she filed the petition on the basis of the information gathered from another person. But when the case was taken up for hearing, the victim appeared and disowned the signature and submitted that the petitioner has obtained her signature forcefully.

Looking to the nature of allegation, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected. However, liberty is given to the petitioner to renew his prayer for bail after completing one year's judicial custody.

(Shivaji Pandey, J)

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