

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27476 of 2016

Arising out of PS.Case No. -38 Year- 2016 Thana -KEOTI District- DARBHANGA

BISHWANATH MAHTO @ BISHNATH MAHTO, Son of Nageshwar Mahto, resident of Village Dome, P.S. Keoti District Darbhanga.
..... Petitioner

Versus

The State of Bihar
..... Opposite Party

Appearance :

For the Petitioner : Mr. Shambhu Nath Jha, Advocate.
For the Opposite Party : Mr. Sri Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Keoti P.S. Case No. 38 of 2016 for the offences instituted under Section 376 of the IPC read with Section 4/6 of the POCSO Act.

The prosecution story, in brief, is that on 24.03.2016, the accused-petitioner entered in the house of informant and committed rape with minor daughter aged about 12 years of informant and subsequently the victim girl raised alarm loudly. Thereafter, the informant and his family members rushed towards the courtyard and seeing them accused-petitioner fled away. The informant witnessed that his daughter was lying and crying on the ground being naked and on query she disclosed the entire incident to the informant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case due to village politics. The medical examination report of the victim do not support the prosecution case. There are contradictions in the prosecution case as stated in the F.I.R. and the statement of the victim under Section 164 Cr. P.C.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R., and there is specific allegation of committing rape upon the minor girl by the petitioner. The minor girl has been examined under Section 164 Cr. P.C. where she has supported the allegation of rape against the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Keoti P.S. Case No. 38/2016, pending in the court of the learned District & Sessions Judge-cum-Special Judge, POCSO, Darbhanga. Anyhow, if the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by this order taking into the submissions made on behalf of the petitioner.

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(Sudhir Singh, J)