

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57546 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -SAHARGHAT District- MADHUBANI

1. Baidyanath Mahto, S/o Musahar Mahto, R/o Village- Balain, P.S.- Arer,
District- Madhubani (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Manish Kumar 2, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 27-02-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Saharghat P.S.**

Case No.05 of 2017 instituted for the offence under Section(s)
341, 323, 120-B, 420, 204, 363-A, 366-A, 376-A Indian Penal
Code and Section 6, 7 and 11 of the POCSO Act pending in the
Court of the **1st Additional Sessions Judge, Madhubani.**

Counsel for the petitioner has submitted that case
has been instituted after long delay. It is an afterthought and this
petitioner has been falsely implicated in this case. The girl has
love affair with one Shyam Mahto and she has eloped with him.

Case diary has been received, wherein, statement of
the victim recorded under Section 164 Cr. P. C. is available in
which she has levelled specific allegation against this petitioner



that he along with co-accused, Shyam Mahto, committed rape with her. Thereafter, they sold her to one Vijay Mahto, who also committed rape with her for one year after keeping her with him and also forced her to do household work.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner for grant of anticipatory bail is **rejected**.

Petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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