

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32141 of 2018

Arising Out of PS.Case No. -11 Year- 2018 Thana -MAHILA P.S. District- SAHARSA

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Bijay Mahto S/o Pasindar Mahto @ Upendra Mahto Resident of
Village/Mohalla Chanan Siswa, Ward No. 9, P.S. Salkhua (Chakdaiya
O.P.), Distt. Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-06-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is seeking regular bail in Mahila P.S.
Saharsa Case No. 11 of 2018 registered under Sections 448, 376,
323, 504, 506, 34 of the Indian Penal Code read with Section 4 of
the POCSO Act.

Learned counsel for the petitioner submits that so far
as this petitioner is concerned there is no allegation of his
participation either at the time of lifting of the victim girl as
alleged or of rape on her. Learned counsel points out from the



statement of the victim girl recorded under Section 164 Cr.P.C. as also in Annexure-2 to the present application that there are specific allegations against accused Nitish Yadav and Vijay Mahto. Even the informant has alleged that these two accused had entered in the house of the victim and had lifted her away and had raped on her. Learned counsel submits that the petitioner has been falsely implicated only because he happened to be the brother of one of the accused. It is further pointed out that a similarly situated accused, namely, Siko Yadav @ Suko Yadav has already been granted privilege of regular bail by a co-ordinate bench of this Court in Cr. Misc. No. 28321/2018.

Learned A.P.P. for the State is present, however, he accepts the factual position that there is no allegation of participation of this petitioner in the lifting of the victim girl or of committing rape on her.

Considering the fact that this petitioner has not been found actively participating at the time of lifting of the victim girl or of committing rape, let the petitioner, named above, be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge POCSO, Saharsa in connection with Mahila P.S. Saharsa Case No. 11 of



2018, subject to the conditions as laid down under Section 437(3)
Cr.P.C.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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