

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51121 of 2018

Arising Out of PS. Case No.-36 Year-2017 Thana- KORMA District- Sheikhpura

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Dinesh Mahto S/o Late Kailash Mahto, R/o Vill.- Dih Kusumbha, P.S.-
Korma, District- Sheikhpura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Prasad Singh, Adv.

For the Opposite Party : Smt. Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-08-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection
with Korma P.S. Case No. 36 of 2017 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 325, 354,
307, 302 and 504 of the Indian Penal Code and under Section 8
of the POCSO Act.

Informant in his written complaint has stated that on
19.05.2017 when her husband Bhiari Mahto was in the field
along with his minor daughter Khushboo Kumari, Dinesh
Mahto (petitioner) tried to commit rape on her and which was
resisted by her husband thereafter accused persons as named in
FIR abused and assaulted Bihari Mahto as consequence of
which he died in course of treatment.

It has been submitted that there is no allegation against



petitioner for causing of any overt act against deceased. The allegation is general and omnibus in nature and police has not submitted charge-sheet under Section 8 of POCSO Act. Earlier petitioner had moved for grant of regular bail in Cr. Misc. No. 5182 of 2018 and same was rejected on 27.02.2018 with liberty that he can renew his prayer for bail after completing six months of custody. It has been further submitted that similarly placed co-accused have been granted bail by co-ordinate Bench of this Court in Cr. Misc. No. 54212 of 2017 and Cr. Misc. No. 43963 of 2017 vide order dated 13.12.2017 and 07.11.2017 respectively. Petitioner has no criminal antecedent and he is in custody since 08.12.2017.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Korma P.S. Case No. 36 of 2017.

(S. Kumar, J)

Rajiv/manoj

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