

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8797 of 2018

Arising Out of PS.Case No. -36 Year- 2017 Thana -MAHILA P.S. District- SIWAN

1. Ajay Mahto, son of Lalji Mahto, resident of Village- Barkagaon, P.S.- Bhagwanpur Hat, District- Siwan.
2. Shambhu Mahto, son of Ballam Mahto @ Rajbalam Mahto, resident of Village- Chorma, P.S. Bhagwanpur Hat, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Adv.

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 28-03-2018 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners seek bail in a case registered for the offence punishable under Section 376 of the Indian Penal Code.

Petitioner-Shambhu Mahto is alleged to have ravished the informant. Petitioner-Ajay Mahto was also there.

Submission is of false implication due to previous dispute and further submission is that the Doctor has not found any sign of recent sexual assault though the victim was examined soon after the occurrence.

Considering the fact that there is nothing to



disbelieve the victim at this stage. Hence, I am not inclined to enlarge the Petitioner-Shambhu Mahto on bail in connection with Siwan Mahila Police Station Case No. 36 of 2017 pending in the court of learned S.D.J.M., Siwan/successor court.

Accordingly, his prayer for bail is refused.

Considering the fact that Petitioner-Ajay Mahto is in custody since 06.12.2017. Investigation of the case is already complete and there is no such allegation against him. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Siwan Mahila Police Station Case No. 36 of 2017, subject to the condition that the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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