

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1721 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- BALTHAR District- West Champaran

1. BHUSHAN MAHTO Son of Rameshwar Mahto Resident of Village - Balthar, P.S.- Balthar, District- West Champaran
2. Munna Mahto Son of Deoraj Mahto Resident of Village - Balthar, P.S.- Balthar, District- West Champaran
3. Ranjeet Mahto Son of Raj Kumar Mahto Resident of Village - Balthar, P.S.- Balthar, District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 21-08-2019 Heard learned counsel for the appellants and learned Spl. PP for the State and perused the FSL report sent to this Court in sealed cover after breaking the seal.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 25.02.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, West Champaran, Bettiah in Balthar P.S. Case No. 01 of 2019 registered under Sections 376-D/34 of the Indian Penal Code and Sections 3(1)(w) of the SC/ST Act.

Mantu Patel is said to have forcibly taken the informant to the sugarcane field standing on the western bank of



the canal and committed rape against her. He then called his three associates namely Bhushan Mahto, Munna Mahto and Ranjit Mahto (appellants) by mobile phone there who also committed rape against her in turn pressing her mouth under threat of life.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to dirty village politics. They have no criminal antecedent and have been languishing in custody since 18.01.2019. Hence they may be enlarged on bail.

On the other hand, learned Spl. PP for the State vehemently opposing the bail petition submitted that the informant in her statement recorded under Section 164 Cr.P.C. has candidly stated about commission of rape against her by all the four accused persons including the appellants. On chemical examination by FSL, blood mixed semen was detected on the petticoat of the victim, blood was detected on the shirt of Mantu Patel and on the saree of the victim. Likewise semen was detected on the trouser of Bhushan Mahto and janghiya of Ranjit Mahto. Hence appellants do not deserve bail.

Having regard to the facts and circumstances of the



case, I am not inclined to enlarge the appellants on bail. Prayer for bail of the appellants is rejected. Accordingly this appeal is dismissed.

Let the FSL report be kept in the sealed cover.

(Prakash Chandra Jaiswal, J)

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