

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57933 of 2019

Arising Out of PS. Case No.-148 Year-2015 Thana- BHAGWANPUR District- Vaishali

DILIP MAHTO Son of Devi Lal Mahto Resident of Village- Birna, P.S.-
Vaishali (Belsar O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr.Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Bhagwanpur P.S. Case no. 148 of 2015, registered under
Sections 376/120B of the Indian Penal Code.

While the informant was proceeding for
defecation, petitioner coming from rear side caught her hold
and tying her face with Gamchha took her in Chaur and
committed rape against her and left the scene untying
Gamchha. On hulla, her cousin brother-in-law rushed there and
in turn called the villagers and all of them apprehended the
petitioner but his in-laws managed to extricate him.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. As a matter of fact, petitioner had gone to his in-laws house and there was some dispute between the informant and his in-laws people and the petitioner had intervened the quarrel between them and being annoyed with the same family of the informant got this false and frivolous case lodged against the petitioner through the informant. Both the parties have compromised the matter. Hence petitioner may be enlarged on anticipatory bail.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that there is direct allegation against the petitioner of committing rape against the victim by tying her face and forcibly taking her in Chaur. Victim in her statement recorded under Section 164 Cr.P.C. has fully supported the occurrence. Hence the petitioner does not deserve anticipatory bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Prayer for bail of the petitioner is rejected.

However, petitioner is directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the petitioner in



accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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