

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 12134 of 2020

Arising Out of PS. Case No.-179 Year-2019 Thana- MANER District- Patna

Akhilesh Kumar @ Chhotu Kumar @ Chhotu Mahto Son of Late Arun Mahto
@ Botal Mahto Resident of Mohalla- Mewati, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-08-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Maner P.S. Case no. 179 of 2019 registered under sections 354, 323, 341, 504, 506, 379 and 34 of the Indian Penal Code, sections 8 and 12 of the POCSO Act and section 54B of the Information Technology Act.

As per allegation in the FIR, it is stated by the informant that her daughter had uploaded a video of the daughter's dancing on the internet. It is further stated that the three accused persons including the petitioner herein took the said video clip, incorporated some objectionable material therein and spread the same by sending it to different groups



on whatsapp. It is further stated that when the daughter and son of the informant went to object, the accused persons including the petitioner herein assaulted them. The petitioner is stated to have assaulted the son of the informant with a stick causing injuries.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the FIR are false and concocted. In fact the same does not relate to the petitioner. Referring to paragraph no. 10 of the petition it is submitted that the petitioner happens to be Akhilesh Kumar son of Arun Mahto and not the person described in the FIR. It is further submitted that the telephone number mentioned in the FIR does not relate to the petitioner. The petitioner is an 18 year old student and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

The case diary called for in the case has been received.

Having heard learned counsel for the parties and on going through the material that has come in the case diary, I do not find any investigation on the point as to whether the petitioner happens to be Chotu Mahto son of Botal Mahto as



described in the FIR or he is not the said person and is as claimed Akhilesh Kumar son of Arun Mahto. However, in the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail and hence the same is rejected.

The petitioner is directed to surrender in the Court below within a period of four weeks from today. On his surrendering, the Court shall consider the submissions raised by the petitioner, consider grant of interim relief and if it so feels get an enquiry conducted with respect to the identity of the petitioner before finally deciding his application for bail.

(Partha Sarthy, J)

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