

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2215 of 2020

Arising Out of PS. Case No.-499 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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WAKIL MAHTO, (M), aged about 32 years, Son of Ashish Mahto @
Ramashish Prasad, Resident of Village - Madhubani Ghat Mathia Tola, Ward
No. 3, P.S.- Mufassil Motihari, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 16-01-2020 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in a case
registered for the offences punishable under Section 376 of the
Indian Penal Code.

Informant has alleged in her written complaint that
on 24.10.2019 at about 8 P.M. when she was in her house with
her children when Wakil Mahto (petitioner) entered his house
and committed rape upon her however, when he was trying to
flee away she raised alarm and neighbours assembled and he
was apprehended there.



It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case due to animosity and village rivalry. The statement of the victim was recorded under section 164 of Cr.P.C. in which she has denied allegation of commission of rape. She has further stated that at the instance of villager she lodged the case of rape. Petitioner has no criminal antecedent and is in custody since 26.10.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, District East Champaran, in connection with Muffasil P.S. Case No. 499 of 2019, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will



be at liberty to move for cancellation of bail of the
petitioner.

(S. Kumar, J)

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