

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10950 of 2020**

Arising Out of PS. Case No.-7 Year-2018 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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MAHESH MAHTON @ MAHESH MAHTO Son of Late Sukhdeo Mahto
Resident of Village - Chamtha, Balu Par, P.S.- Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Opposite Party/s : Mr.Md. Ataur Rahman

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 02-03-2020 Heard both sides.

The petitioner seeks bail in POCSO Complaint Case No.7C of 2018 registered under Sections 376, 511 of the Indian Penal Code and under Sections 8 and 12 of POCSO Act.

The victim made allegation that the petitioner entered into her house and made an abortive attempt to commit rape with her.

Learned counsel for the petitioner submits that on the basis of the fardbeyan of the victim, Bachhwara P.S. Case No.27 of 2018 was registered on 20.02.2018. Thereafter, the police submitted final form finding the allegation false. It is further submitted that in the meantime, the victim filed complaint case and after acceptance of final form, the case proceeded on complaint. After inquiry, prima facie case under Section 354 of the Indian Penal Code and under Section 12 of POCSO Act was found.

On the other hand, learned counsel for the complainant vehemently opposed the prayer for bail and



submits that petitioner used to threaten the victim who is aged about 13 years old. The victim made several petitions before the court that the petitioner repeatedly threatened her. The police submitted final form finding the allegation false without recording the statement of victim under Section 164 Cr.P.C.

Considering the facts aforesaid and nature of allegation made against the petitioner and the fact that the case proceeded when the police after institution of the case found the accusation against the petitioner false but after inquiry, the case under Section 354 I.P.C. and under Section 12 of the POCSO Act was found to proceed against the petitioner for that petitioner is in jail for about a month, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge 1st -cum-Special Judge(POCSO Act), Begusarai in connection with POCSO Complaint Case No.7C of 2018.

(Prabhat Kumar Jha, J)

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