

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.10550 of 2020

Arising Out of PS. Case No.-95 Year-2019 Thana- PIPRAKOTHI District- East Champaran

MOKHTAR MAHTO Son of Late Raghunath Mahato Resident of Village -
Bangari Tola, Dahaura, P.S.-Pipra Kothi, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 23-06-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor representing the State, through

Video Conferencing.

This application, for grant of anticipatory bail, arises
out of POCSO Case No. 47 of 2019, arising out of Pipra Kothi
Police Station Case No. 95 of 2019, disclosing offences under
Sections 376-D/504/506 of the Indian Penal Code and Section 6
of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case, as per the First Information
Report, is that co-accused persons, namely, Dinanath Mahto and
Rakesh Mahto committed rape upon the daughter of the
informant and when the informant went to make a complaint
before the petitioner, the petitioner abused the informant.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely on the basis of the fact that he happens to be the father of co-accused Rakesh Mahto. She further submits that there is no allegation of rape against this petitioner and similarly situated co-accused persons, namely, Ramashish Mahto and Bunnilal Mahto, have been granted anticipatory bail by this Court by order, dated 06.01.2020, passed in Criminal Misc. No. 85269 of 2019.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that similarly situated co-accused persons have been granted bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, East Champaran, at Motihari, in connection with POCSO Case No. 47 of 2019, arising out of Pipra Kothi Police Station Case No. 95 of 2019, subject to the condition laid down under



Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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