

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20079 of 2020

Arising Out of PS. Case No.-373 Year-2018 Thana- MAJHAULIA District- West Champaran

DHANILAL MAHATO Son of Sudama Mahato Resident of Village -
Ratanmala, P.S.- Majhauliya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Amitesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 14-10-2020 Learned counsel of the petitioner submits that he has already filed supplementary affidavit on E-portal on 9.9.2020 for removal of the defects but the hard copy of the supplementary affidavit has not been brought on record.

The office is directed to place the hard copy of the aforesaid supplementary affidavit on record.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner is in jail custody since 23.8.2019 in connection with Majhauliya P.S. Case No. 373 of 2018 registered for the offences punishable under Sections 376 of the Indian Penal Code later on chargesheet has been submitted under Sections 376, 323, 341 and 504/34.



Petitioner is said to have committed gang rape on the victim, who supported the accusation in her statement recorded under Section 164 of the Code of Criminal Procedure.

Learned counsel of the petitioner submits that the accusation does not find support from the medical evidence as well as from inspection of place of occurrence by the Investigating Officer. Furthermore, he points out that prayer for bail of one co-accused Sagun Mahto has been rejected by a coordinate Bench of this Court with observation that the aforesaid co-accused may renew his prayer for bail after examination of victim in course of trial.

Considering the aforesaid facts and circumstances as well as submission of the parties, I am not inclined to release the petitioner on bail.

Accordingly, prayer for bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after examination of victim before the trial court.

(Hemant Kumar Srivastava, J)

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