

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12817 of 2020

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

SUGAN MAHATO, aged about 30 years, Male, son of Late Deonath Mahato,
Resident of Village - Ratanmala, P.S. - Majhauriya, District - West
Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

8 13-10-2020 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and Mr. Shailendra Kumar, learned APP for
the State through Virtual Court Proceeding.

In this case, the petitioner is seeking regular bail in
connection with Majhauriya P.S. Case No.373 of 2018,
registered for the offence under section 376 of the Indian Penal
Code, later on, changed into Section 376(D) of the Indian Penal
Code and under Section 4, 5(2) of the POCSO Act and charge-
sheet submitted under Section 376, 323, 341 and 504/34 of the
Indian Penal Code.

Allegation has been made that three persons
including this petitioner has committed sexual assault upon the
victim.



The victim in her statement recorded under Section 164 of the Cr.P.C. has taken the name of this petitioner. The medical report suggest that there is no sign of recent sexual assault and the age of the victim has been assessed 19-20 years.

Considering the statement of the victim recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected. However, the petitioner will be at liberty to renew his prayer for bail after examination of the victim. The Court below is directed to examine the victim as next witness or next-to-next witness within a period of three months from the date of receipt/production of a copy of this order.

(Shivaji Pandey, J)

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