

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14686 of 2020

Arising Out of PS. Case No.-265 Year-2018 Thana- RIGA District- Sitamarhi

RAJESH MAHTO @ RAJESH Son of Yogendra Mahto Resident of Village -
Harpur, Post - Bhulli, P.S.- Piprahi, Distt - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard Sri Ashok Kumar Jha, the learned advocate for the petitioner, assisted by Sri Sanjay Kumar, advocate as also Sri Harendra Prasad, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Riga P.S. Case No. 265 of 2018 registered for the offence punishable under Sections 341, 323, 366A, 376, 120B/34 of the



Indian Penal Code and Sections 4, 6, 8, 11 of the POCSO Act.

The allegation is regarding the co-accused person, namely, Sonu Kumar having taken away the minor daughter of the informant, namely, Rekha Kumari, on his motorcycle and kept her in a dark room at village Ijarahia where the victim girl was raped and then the said Sonu Kumar had taken the victim girl to Delhi where he along with the petitioner had also raped her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the main accused in this case is Sonu Kumar, who is alleged to have committed the alleged crime and in fact, he has been granted bail by a coordinate Bench of this Court vide order dated 20.2.2020 passed in Criminal Miscellaneous No. 86064 of 2019. It is further submitted that four co-accused persons have been tried in Trial No. 88 of 2019 in which the victim girl herself along with



her brother and sister had appeared and stated that the criminal case has been lodged by the mother at the instance of some villagers, who are at inimical terms with the accused persons and ultimately, the said four persons have been acquitted in the trial.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case, more particularly the fact that the main accused person, namely, Sonu Kumar, has already been granted bail by a coordinate Bench of this Court and the case of the petitioner stands on a better footing, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten



thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge 1st Cum Special Judge, Sitamarhi in connection with Riga P.S. Case No. 265 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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