

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18297 of 2020**

Arising Out of PS. Case No.-337 Year-2019 Thana- PAROO District- Muzaffarpur

MANOJ MAHTO S/o Late Raghunath Mahto Resident of Village- Bishunpur
Jivnarayan (Bishunpur Jainarayan), P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha

For the Opposite Party/s : Dr. Indihar Kumari

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 24-08-2020 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 the learned counsel appearing for the petitioner and Dr. Indihar Kumari, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Paroo P.S. Case No. 337 of 2019 for the offence punishable under Sections 376, 365, 506, 509/34 of the Indian Penal Code and Sections 3/4 of POCSO Act.

The case of the prosecution in brief is that the informant resides at Howrah, Kolkata and his wife had died, hence his minor daughter and minor son were residing at the village home. It is alleged that on 05.08.2019 at about 12:00 in the



afternoon, the petitioner had taken the minor daughter of the informant in the field (*bathan*) of Raghbir Mahto and raped her and after four days the son of the petitioner had also raped the minor victim girl repeatedly.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 13.01.2020. It is further submitted that the informant and her minor daughter have filed a compromise petition before the learned court below stating therein that the case has been filed on account of personal disputes amongst the parties, which they have now settled. Thus, it is submitted that this is a fit case for grant of bail to the petitioner herein.

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

I have heard the learned counsel for the parties, perused the materials on record as also gone through the case dairy in question. It is apparent from the records as also the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate that the petitioner has committed rape with the minor victim girl and even the medical report shows that the hymen is torn. In fact the police upon investigation has also



found the case to be prima facie true as against the petitioner herein for the offences alleged.

Considering the facts and circumstances of the case as also taking into account the fact that the petitioner has been, prima facie found to have committed a heinous crime of rape with a minor girl, I do not find the present case to be a fit case to grant bail to the petitioner herein, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

