

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20980 of 2020

Arising Out of PS. Case No.-148 Year-2017 Thana- PIYAR District- Muzaffarpur

AMRESH KUMAR MAHTO Son of Sonelal Mahto Resident of Village -
Baingra, P.S. - Piyar, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Smt. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-06-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Piyar P.S. Case No. 148 of 2017 registered for the offence punishable under Sections 363, 376/511, 120B/34 of the Indian Penal Code and Sections 4, 6, 7, 8, 12, 17 and 18 of the POCSO Act.

A complaint petition is the basis for registration of the First Information Report. There is allegation in the complaint petition against three persons named therein of having made attempt to outrage the complainant's modesty.

Learned counsel appearing on behalf of the petitioner has submitted that with similar allegation co-accused Mukesh Mahto @ Mukesh Kumar Mahto has been allowed bail by this Court by an order dated 27.06.2019 passed in Cr. Misc. No. 39382 of 2019. She further submits that the occurrence is



alleged to be of 28.08.2017 for which the complaint case has been filed on 17.10.2017, which casts a serious doubt over the case of the prosecution. She has drawn my attention to the deposition of the victim in the trial initiated against co-accused Santosh Kumar to submit that she did not name the petitioner making any allegation of any overt act against him. Santosh Kumar is said to have been acquitted in the trial.

Considering the facts and circumstances and the submission that the petitioner is in custody since 03.03.2020, this application is allowed.

Let the petitioner, above named, 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 the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO, Muzaffarpur, in Piya P.S. Case No. 148 of 2017.

(Chakradhari Sharan Singh, J)

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