

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28648 of 2020

Arising Out of PS. Case No.-47 Year-2020 Thana- SUPPI District- Sitamarhi

Krishna Mohan Mahto, aged about 22 years, Gender-Male, S/o Late Hira Mahto, Resident of Village- Mohani Mandal, P.S.- Suppi, District- Sitamarhi.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate
For the State : Mr.Braj Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-12-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Suppi P.S.

Case No. 47 of 2020 registered for the offence punishable under
Section 376 of the Indian Penal Code and Section 4/6 of
POCSO Act.

There is allegation in the F.I.R. that on 01.03.2020 at
8.30 P.M., the minor daughter of the informant, namely, Priti
Kumari, aged about 14 years had gone to purchase something at
the shop of one Kailash Prasad but in the way, Krishna Mohan
Mahto, caught her, closed her mouth, took away in his khalihan
and committed rape on her forcibly.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in the present case. He further submits
that there is contradiction in between the statement of the victim
under Section 164 Cr.P.C. and F.I.R. Thus, no case under



Section 376 I.P.C. is made out in this case. He further submits that the petitioner has got no any criminal antecedent. He further submits that the victim girl was also examined by the medical board and doctor found her age is around 18-19 years, which has been annexed as Annexure-3 in the present bail application.

Learned A.P.P. for the State opposed the bail petition and submits that in the case diary, the witnesses have supported the prosecution case.

I have perused the record and case diary. Under Section 164 Cr.P.C., the victim has not made any allegation of rape.

In the facts and circumstances of the case, I am not inclined to enlarge the above named petitioner on bail. Accordingly, the prayer for bail of the above named petitioner in connection with Suppi P.S. Case No.47 of 2020 pending in the court of learned A.D.J. 1st cum Special Judge, POCSO Act, Sitamarhi is hereby rejected. However, the petitioner is directed to renew his prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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