

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34751 of 2021

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

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MANOJ MAHTO Son of Late Raghunath Mahto Resident of Village -
Vishanpur Jiv Narayan, P.S.- Paroo, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani
For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 18-08-2021 The instant case 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 for the petitioner and Mr. Manoj Kumar, the learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Paroo PS case no. 337 of 2019 under Sections 376, 365, 506, 509/34 of Indian Penal Code and 3/4 of POCSO Act, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this Court vide order dated 24.08.2020, passed in



Cr. Misc. no. 18297 of 2020.

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 Raghubir 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 languishing in custody since 12.01.2019 and the witness no. 1, whose deposition has been recorded in the ongoing trial, has been declared hostile and he has not supported the case of the prosecution.

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

I have heard the learned counsel for the parties and perused the materials available on record and I find that the allegation regarding the petitioner having committed a heinous crime of rape with the minor victim girl has been prima facie found to be true, during the course of investigation and



moreover, there is no change in circumstance from the day, the prayer of the petitioner for grant of bail was rejected earlier vide order dated 24.08.2020, till date, hence there is no occasion to re-consider the prayer of the petitioner for grant of bail, thus the present petition stands dismissed. However, considering the fact that the trial is going on, I deem it fit and appropriate to direct the learned court below to expedite the trial and conclude the same within a period of one year from today. It is needless to state that in case the trial is not completed within one year from today, the petitioner would be at liberty to renew his prayer for bail.

(Mohit Kumar Shah, J)

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