

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29378 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- SINGHWARA District- Darbhanga

Chhotu Kumar @ Krishna Kumar Mahto, Aged About 26 Years Son Of
Rajesh Mahto Resident Of Village - Singhwara North, P.S.- Singhwara,
District - Darbhanga

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-02-2021 Heard learned counsel for the petitioner, the informant
and the State.

The petitioner apprehends arrest in Singhwara Police
Station Case No. 43 of 2020 registered for the offences
punishable under sections 376/34 of the Indian Penal Code and
sections 4 and 17 of the POCSO Act.

As per the prosecution case, this petitioner and co-
accused Ranjan Kumar offered intoxicated cold drink to 15
years old minor daughter of the informant and committed rape
on her.

Learned counsel for the petitioner submits that the
falsity of the FIR is apparent as there is no mentioning of date
and time of the occurrence in the FIR. Petitioner has got clean



antecedent as stated in paragraph 3 of the bail petition.

Learned counsel for the State and the informant oppose the prayer for bail. They submit that as per school certificate of the victim, she is minor aged about 15 years and there is allegation against this petitioner that he along with another co-accused committed rape on her. Victim has also supported the prosecution case.

In view of the specific allegation against the petitioner, his prayer for bail is refused with direction to surrender and seek regular bail which would be considered on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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