

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3496 of 2021

Arising Out of PS. Case No.-35 Year-2020 Thana- KHIRHAR District- Madhubani

MAHESH MAHTO Son of Dinesh Mahto @ Jitan Mahto Resident of Village
- Khanuatol, P.S. - Benipatti, District - Madhubani.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash

For the Respondent/s : Mr.Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-09-2021 Heard learned counsel for the appellant and the
learned Special P. P.

The present appeal has been filed against order dated
14.06.2021 passed by learned Additional Sessions Judge-VII-
cum- Special Judge, POCSO Act, Madhubani in Khirhar PS
Case No. 35/2020, registered for the offence punishable under
Sections 376, 504, 506/34 of the Indian Penal Code, u/s 4/6 of
POCSO Act and u/s 3(I)(r) (s), (w) (2) of SC/ST Act, whereby
the prayer for bail of the appellant has been rejected.

As per the prosecution case, co-accused, Ramesh
Mahto established physical relation with the informant on the
pretext of marriage and on 25.03.2020 at about 10 PM he came
on motor cycle took the informant to his parental house. It is
further alleged in the morning this appellant and his other family
members abused the informant by calling her caste name and



ousted her from their house. Appellant is brother of co-accused Ramesh Mahto.

It is submitted that there is general and omnibus allegation of abuse and assault and no specific overt act has been alleged against this appellant. Thrust of accusation is against co-accused, Ramesh Mahto, who has already been granted bail by a co-ordinate Bench of this court vide order dated 23.03.2021 passed in Cr. Appeal (SJ) No. 690/2021. This appellant has been implicated in this case only because he is brother of Ramesh Mahto. The appellant has got clean antecedent and in in custody since 15.01.2021.

Considering the nature of allegation and clean antecedent of the appellant, the impugned order dated 14.06.2021 is hereby set aside and this appeal is allowed.

Let the appellant, 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 learned Additional Sessions Judge-VII-cum- Special Judge, POCSO Act, Madhubani in connection with Khirhar PS Case No. 35/2020.

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(Prabhat Kumar Singh, J)

