

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41080 of 2020

Arising Out of PS. Case No.-8 Year-2018 Thana- MAHILA P.S District- West Champaran

1. Sunil Mahato, aged 31 years
2. Ajay Mahto, aged 36 years both son of Mohan Mahto both resident of village Banwa Tola Chorhiya @ Lohiyiya, P.S. Chanpatiya, District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 28-06-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Mahila P.S. Case No.8 of 2018 registered under sections 376, 341 and 342 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that as she was living alone, having separated from her husband, in course of time the petitioner no.1 came in close touch and he established physical relations with her against her will. It is stated that the other accused persons stated that they would get both of them married. The physical exploitation



continued. In the absence of the petitioner no.1, the petitioner no.2 also made an attempt to commit rape on her. Hence this case.

It is submitted by learned counsel for the petitioners that for an alleged occurrence said to have taken place on 12.01.2018, information was given to the police and the FIR registered only on 20.06.2018. The petitioners have been falsely implicated in the case. The informant has a criminal antecedent from before. Further referring to the statement of the witnesses recorded in course of investigation including that of the father and mother of the informant, it is stated that the witnesses have not supported the allegations as narrated in the FIR. The petitioners are in custody since 17.1.2020 and investigation in the case has concluded. There is no chance of the trial concluding in the near future.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the delay of more than five months in lodging of the FIR, the material that has transpired in course of investigation and the petitioner having remained in custody for more than 1 year 5 months, the Court is inclined to enlarge the



petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Mahila P.S. Case No.8 of 2018 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran.

It is directed that the petitioners shall co-operate in proceedings of the learned Court below and in case the learned Court below is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioners, the learned Court below shall be at liberty to cancel the bail bond of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

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