

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38073 of 2020

Arising Out of PS. Case No.-356 Year-2020 Thana- MAJHAULIA District- West Champaran

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ARUN MAHTO @ ARUN PD. @ ARUN PRASAD, Son of Late Mathura Mahto Resident of Village- Karmawa, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Mishra, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-02-2021 Heard Mr. Prateek Mishra, learned Counsel for the petitioner and Mr. Jai Narain Thakur, learned Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out of Majhauria Police Station Case No. 356 of 2020, disclosing offences under Section 354(A), 493, 496, 509, 376(D),(A), 312, 313 of the Indian Penal Code and Sections 3, 4, 5, 6 of Immoral Traffic Prevention Act.

The allegation, as per the First Information Report is that one co-accused, Sanjay Mahto, allured the informant and brought her to village, Karmawa, and committed rape upon her. It has further been alleged that co-accused, Sanjay Mahto, forced the informant and other victim to establish physical



relation with the petitioner and others.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to ulterior motive. From perusal of the First Information Report, it would be evident that the allegation of rape is against the co-accused, Sanjay Mahto, and there is no specific allegation that at any point of time, petitioner established physical relation with the informant or the victim girl. Learned counsel further submits that the statement of the informant (victim) and another victim Nisha Das was recorded under Section 164 Cr.P.C. and from perusal of the same, it would be evident that nothing has been said by the victims against the petitioner. Learned counsel further submits that the petitioner has got no criminal antecedent and he is in custody since 31.05.2020.

Having regard to the submissions made by the parties and taking into consideration the nature of allegation and the statement of the victim girls recorded under Section 164 Cr.P.C., I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Arun Mahto @ Arun Pd. @ Arun Prasad, 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 Chief Judicial
Magistrate, West Champaran, Bettiah, in connection with
Majhaulia Police Station Case No. 356 of 2020.

(Anil Kumar Sinha, J.)

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