

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40557 of 2020**

Arising Out of PS. Case No.-238 Year-2020 Thana- BARHARA District- Bhojpur

1. MUKESH KUMAR MAHTO @ PATHA MAHTO S/O BIGAN MAHATO
RESIDENT OF VILLAGE BABURA, P.S-BARHARA, DISTRICT-
BHOJPUR AT ARA.
2. SHRAWAN MAHTO SON OF VIKRAMA MAHTO RESIDENT OF
VILLAGE-NAYA TOLA, KAPUR DIYARA, P.S-BARHARA, DISTRICT-
BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 05-04-2021 Heard both parties.

The petitioners seek bail in Barhara P.S. Case No. 238/2020, registered for the offences punishable under Sections 366A, 34 of the Indian Penal Code read with Section 8 of the POCSO Act.

As per prosecution case, these petitioners caught hold the hand of the grand daughter of the informant and forcibly dragged her to nearby bush but upon raising alarm they left the victim girl. On chase with the help of villagers these petitioners were caught and handed over to the police.

It has been submitted on behalf of the petitioners that petitioners have been falsely implicated in this case due to



village politics. It is surprising that in the morning in presence of informant these petitioners could commit such offence. Moreover, the victim in her statement recorded under Section 164 of the Cr.P.C. has not named these petitioners. Petitioners are co-villagers of the informant and have got clean antecedent. Charge-sheet has already been submitted in this case.

Petitioners are in custody since 15.06.2020.

Considering the statement of victim recorded under Section 164 of the Cr.P.C., the petitioners, above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur, Ara, subject to the following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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