

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40234 of 2020

Arising Out of PS. Case No.-283 Year-2020 Thana- BAHERA District- Darbhanga

MUKESH KUMAR Son of Ram Briksh Mahto Resident of Village-
Mauzampur, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar Mahto S/o Jag Narayan Mahto R/v - Mauzampur, P.S.- Bahera,
District- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Jha, Mr. Sushil Kumar Jha, Advocates.
For the State	:	Mr. Deepak Kumar, APP
For the informant	:	Mr. Kumar Rajeev, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 05-04-2021 Heard Mr. Gajendra Kumar Jha, learned counsel for

the petitioner, Mr. Deepak Kumar, Additional Public Prosecutor
for the State and Mr. Kumar Rajeev, learned counsel appearing
for the informant.

Petitioner seeks regular bail in connection with
Bahera PS Case No. 283/2020 registered for the offence
punishable under Sections 341, 323, 376, 504 of the IPC and
Section 4/6 of the POCSO Act.

The allegation, as per First Information Report, is that
petitioner has committed rape upon the victim girl on
15.03.2020 by putting her under threat and further continued to
commit rape on the pretext of marriage and the victim is alleged



to be a minor girl.

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 the fact that the petitioner happens to be a friend of Dinesh Kumar Mahto with whom the victim girl was having relationship and this fact would be evident from an audio recording of Panchayati. Learned counsel further submits that petitioner is in custody since 12.08.2020.

On the other hand, learned counsel for the State and the informant vehemently opposed the prayer for bail of the petitioner and submit that there is a specific allegation of rape against the petitioner and the victim girl has supported the factum of rape in her statement recorded under Section 164 of the CrPC. Learned counsel for the informant next submits that the trial of the case has now begun and examination-in-chief of the victim girl is going on.

Having regard to the submissions made by the parties and taking into consideration the material on record and the nature of allegation, I am not inclined to grant bail to the petitioner. The same is, hereby, rejected.

The petitioner, if so advised, may renew his prayer for



bail after one year from today if the trial does not show any progress.

(Anil Kumar Sinha, J)

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