

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3617 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- RAHIKA District- Madhubani

MANTOSH KUMAR MAHTO Son of Parikshan Mahto Resident of Village-
Sapta, P.S.-Rahika, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh.APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 23-07-2021 . In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Rahika PS Case No. 72 of 2020 registered under Sections 376(d), 504/34 of the IPC, Sections 4/6 of the Pocso Act and Sections 66(D), 67(A) of I. T. Act.

Four persons, including the instant petitioner, have allegedly grabbed the victim (minor) and after taking her in an orchard have committed rape.

It is submitted by learned Counsel for the petitioner that having no criminal antecedent the petitioner has falsely been implicated in this case on extraneous consideration. Further submission is that in view of prevailing Pandemic restrictions there is



no likelihood of the trial being taken up at an early date.

Learned APP has referred to the medical report forming part of the case diary, which was requisitioned earlier. From bare perusal of the same it appears that the allegation of commission of rape stands corroborated by the medical report. According to this report the victim is a minor assessed to be 14 – 15 years. In the circumstances the petitioner should not be allowed privilege of bail.

Considering the rival submissions the prayer for bail is rejected.

The trial court is directed to proceed with the trial expeditiously with a view to its conclusion.

(Madhuresh Prasad, J)

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