

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2509 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- Dandari District- Begusarai

Manish Mahto Son of Narayan Mahto Resident of Village - Hasa, P.s.-
Warisnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 04-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Dandari P.S. Case No. 63 of 2021 lodged under Section
366(A)/34 of the Indian Penal Code.

The allegation as per the prosecution case, is that the
informant was not present at his house due to illness of her
mother and accused person enticed away his sister Laxmi
Kumari who is alleged to be minor, by the accused persons. The
present case has been filed on the basis of suspicion.

Learned counsel for the petitioner submits that
petitioner is innocent, his antecedent is clean, he is in custody
since 09.07.2021 and charge sheet has already been filed in this

case.

Learned counsel for the State opposes the prayer for bail and submits that case diary has been called for in this case. In paragraph 41 of the case diary, the statement recorded under Section 164 Cr.P.C. is present in which the victim has categorically made allegation against the present petitioner about rape. As per the medical report age of the said victim was ascertained between 14-16 years. In the opinion, no evidence of recent sexual assault found on the body of the alleged victim. Learned counsel for the State further submits that though POCSO Act has not been added in the F.I.R. but from the F.I.R. itself it transpires that POCSO Act is ought to be added.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner.

Learned Trial Court is directed to expedite the trial and conclude it at the earliest in accordance with law.

With this observation, the bail application stands disposed of.

(Dr. Anshuman, J)

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