

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6859 of 2022

Arising Out of PS. Case No.-213 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Ganesh Mahto Son Of Late Baleshwar Mahto Resident Of Village- Bahadur
Chak, P.S.- Mohiuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar
For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 13-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Mohiuddin Nagar P.S. Case No. 213 Of 2021 dated

23.09.2021, registered for the offences punishable under

Section 376 of the Indian Penal Code and section 4 of the

Protection of Children from Sexual Offences Act, 2012.

The prosecution story as emerges from FIR is that

when the daughter of the informant went for the natural call

outside her house, the accused-petitioner caught and

ravished her.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that the description of the post-mortem report does not suggest any alleged occurrence. He also submits that as per the medico-legal report, no-one can alleged that the accused-petitioner has ravished the alleged victim. He further submits that investigation in this case is complete and charge-sheet has already been submitted. Even charge has been framed and trial is going on.

The petitioner has been languishing in jail since 24.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged victim is minor and medico-legal report suggests that sexual relationship was established with



alleged victim, though there is no such conclusive proof to know that the accused/petitioner has complicity in this alleged offence.

Considering the aforesaid facts and circumstances, particularly the material on record, I am not persuaded to enlarge the petitioner on bail at this stage.

The application stands rejected accordingly.

However, if the trial is not concluded in the next one year, the petitioner may renew his prayer for bail.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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