

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13699 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- SAHPUR District- Bhojpur

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BASANT MAHTO Son of Rampravesh Mahto Resident of Village- Birpur,
Ward No.10, Police Station- Shapur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava

For the Opposite Party/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offence punishable under Sections 376D, 354B of the Indian Penal
Code, section 4 of POCSO Act and section 3(i) (r)(s) of the SC/ST
Act.

Allegation is that the informant aged about 16 years was

taken away by two co-accused on a motorcycle and later on
petitioner and others joined the co-accused and took the victim to
wheat field of Ashok Yadav and thereafter, informant was raped by
co-accused persons, namely, Shashi Ranjan and Lalu Mahto.
Petitioner is alleged to have helped the accused persons in the
commission of alleged offence of rape.



The main submissions advanced by the learned counsel for the petitioner are that after completion of investigation, police concluded the said incident to be not true but thereafter court below took cognizance of the alleged offences and accused persons including the petitioner were summoned and doctor concerned who examined the said victim did not find any evidence to support the alleged offence of rape and he assessed victim's age between 17 to 19 years. Further submission is that main co-accused Shashi Ranjan and Lalu Mahto who were carrying more serious allegation have been considered for regular bail by a coordinate bench of this court vide order passed in Cr. Misc. no. 61140 of 2021 and case of the petitioner stands on better footing as he was not alleged to have committed rape upon so-called victim. Further submission is that petitioner has been languishing in jail since 31.3.2021 having clean antecedent.

Learned APP opposes the prayer for bail.

Having considered the above submissions and mainly the fact that co-accused having more serious allegation than the petitioner have been considered for regular bail by a coordinate bench of this court vide order passed in the above mentioned miscellaneous case and medical examination report (Annexure 2) does not support the allegation made in the FIR, case of the petitioner is at initial stage of trial, in my view, petitioner deserves lenient approach of this court. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties



of the like amount each to the satisfaction of the Addl. Sessions
Judge VI, Bhojpur in Shahpur P.S Case No. 83 of 2021.

(Shailendra Singh, J)

s.hassan/-

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