

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26241 of 2021

Arising Out of PS. Case No.-373 Year-2018 Thana- MAJHAULIA District- West Champaran
=====

DHANI LAL MAHATO Son of Sudama Mahato Resident of Village -
Ratanmala, P.S.- Majhauilya, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP
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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 12-01-2022 Heard learned counsel for the parties through video

conferencing.

The petitioner has renewed his prayer for bail in a case registered under section 376 of the Indian Penal Code and section 4 and 5(g) of the POCSO Act.

As per the prosecution case, the petitioner and others are stated to have committed rape on the victim which has been supported by the victim in her statement under section 164 Cr.P.C. as also her deposition in course of trial.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The victim was examined by the doctor and the medical report does not support the allegations. The parties are co-villagers and the victim has not supported the prosecution case in her cross-



examination in the trial. The petitioner is in custody since 23.8.2019.

Heard learned A.P.P. for the State.

A report was called for with respect to the stage of trial from the learned trial court. As per the report received, the examination of prosecution witnesses is over, the statement of the accused has been recorded and two witnesses on behalf of the defence have been examined. It is further stated that the case is likely to be disposed of within a few days in the month of January itself.

Having heard learned counsel for the parties and taking into consideration the nature of allegations against the petitioner together with the contents of the report received from the learned trial court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expeditiously conclude the trial.

(Partha Sarthy, J)

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