

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27964 of 2021

Arising Out of PS. Case No.-179 Year-2020 Thana- PIPRAKOTHI District- East Champaran

Vijay Mahto Son of Devlal Mahto Resident of Village - Surajpur Bagahatola,
P.S.- Piprakothi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-01-2022 Heard learned counsel for the petitioner and Shri Shailendra Kumar Singh, learned A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in connection with Piprakothi P.S. Case No. 179 of 2020 instituted for the offences under Sections 363, 366A and 34 of the Indian Penal Code read with Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.06.2020, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant in the F.I.R. alleges that on 10.06.2020, the petitioner along with named accused persons kidnapped her minor daughter on a motorcycle and the same was witnessed by the



mother of the victim, further despite hectic search for two days, the victim could not be located and thus based on suspicion, it was alleged that the named accused persons might have killed her.

Learned counsel for the petitioner submits that the victim was in love with Punit Mahto as such she eloped with him and since this petitioner was a friend of Punit Mahto who was also knowing about their love affair as such he also came to be implicated. Learned counsel further submits that one Rambabu Sahni and Rampatiya Devi have been granted bail by the learned court below.

Learned A.P.P. for the State after perusing the case diary submits that victim was recovered on 12.01.2021, her statement was recorded under Section 164 Cr.P.C. and medical examination of the victim was done by a Medical Board by three doctors who assessed her age in between 15-16 years. Learned A.P.P. further submits that the statement of the victim recorded under Section 164 Cr.P.C. clearly supports the prosecution case as the victim has stated that Rampatiya Devi handed her over to this petitioner, Punit Mahto, Ram Babu Sahni and Munna Mahto and further they kidnapped her and took her to Assam where petitioner, Punit Mahto, Munna Mahto



and Ram Babu Sahni raped her and one day when accused were negotiating to sell her, she managed to escape and met an aunt who disclosed that she was in Assam and helped her in connecting with her parents. Learned A.P.P. submits that the victim has supported prosecution case and has given a very vivid description of the entire occurrence and she is admittedly a minor and as such her consent will not matter as is being submitted by the learned counsel for the petitioner that she eloped with Punit Mahto.

Considering the fact that the victim in her statement recorded under Section 164 Cr.P.C. has very clearly stated that she was kidnapped by Punit Mahto, Munna Mahto, Vijay Mahto (petitioner) and Ram Babu Sahani and they all committed rape upon her, as such the Court is not inclined to grant bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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