

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28908 of 2021

Arising Out of PS. Case No.-356 Year-2020 Thana- MAJHAULIA District- West Champaran

SANJAY MAHATO Son of Gaya Mahato Resident of Village - Karmawa
Bazar, Ward No.6, P.S.- Majhauria, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376(D)(A), 354A, 493, 496, 509, 312 and 313 of the Indian Penal Code and sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act.

As per the prosecution case, the informant was taken along by the petitioner on the pretext of getting her employed. Thereafter, it is stated that he entered into a fake marriage with her and established physical relations. She was beaten up and tortured and made to work in an Orchestra. She was physically exploited.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The statement of the alleged victim was recorded under section



164 Cr.P.C from which it would transpire that the alleged victim along with one another were working in the Orchestra and it was as a result of dispute over payment that the instant FIR was registered for oblique reasons. The medical report does not support the allegations in the FIR. Co-accused Arun Mahto has been enlarged on bail vide order dated 5.2.2021 passed in Cr. Misc. no. 38073 of 2020. The petitioner is in custody since 17.12.2020 and has no criminal antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation of having committed rape against the petitioner in the FIR, together with the same having been supported in the statement of the victim under section 164 Cr.P.C, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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