

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38092 of 2021

Arising Out of PS. Case No.-277 Year-2017 Thana- DUMRA District- Sitamarhi

VIKAU MAHATO @ BIKAU MAHTO S/o Mangar Mahto R/o village-
Rasulpur, R. Gosaipur, Ward No. 7, P.S.- Dumra, District- Sitamarhi (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shankar Kumar
For the Opposite Party/s :	Mr.Arun Kumar Pandey
	Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-02-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case in connection with Dumra P.S. Case No.277 of 2017, registered for the offence punishable under Sections 341, 323, 354(B)/34 of the Indian Penal Code and section 8 of the POCSO Act.

The prosecution case in short is that one Binod Mahto has eve teased the informant and when she opposed the same, he assaulted her by slaps and fists. The allegation against the petitioner is that he has encouraged the said Binod Mahto in



doing the same.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to enmity and village politics. No such occurrence in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation of eve teasing and assaulting the informant is levelled upon Binod Mahto, as such, no case under the POCSO Act is made out against the petitioner. The occurrence is said to have taken place on 02.08.2017 but FIR for the same has been lodged on 16.08.2017, i.e. after a delay of four days without giving any plausible explanation for such delay, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties



of the like amount each to the satisfaction of the learned court
below where the case is pending/Successor Court in
connection with Dumra P.S. Case No.277 of 2017, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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