

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43293 of 2021

Arising Out of PS. Case No.-51 Year-2021 Thana- SANOKHAR District- Bhagalpur

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GULSHAN KUMAR MAHTO @ GULSHAN KUMAR Son of Prakash
Mahto Resident of Village - Ghuthiyani, P.S.- Amdanda, Distt.- Bhagalpur.
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh
For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-03-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence under Sections 342, 376, 34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, while the victim was alone at her home, this petitioner is said to have took her to his house and committed rape upon her.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case due to village politics. As a matter of fact, co-accused Chandrasekhar wanted to marry the victim and parents of the victim were not ready for the same, on account of which, a dispute arose between them and this petitioner tried to pacify the dispute and as such, this petitioner was also implicated in the case. The victim was medically examined and the doctor did not find any sign of rape or any evidence of sexual assault. The petitioner is in custody since



23.04.2021, having no criminal antecedent.

However, learned A.P.P. for the State opposed the bail petition and submitted that the victim, in her statement recorded under Section 164 Cr.P.C., has supported the prosecution case and during course of investigation, number of witnesses including father, brother and sister of victim have supported the prosecution case.

Considering the nature of allegation and the materials available on record, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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