

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45626 of 2021

Arising Out of PS. Case No.-612 Year-2020 Thana- PAROO District- Muzaffarpur

Vinod Mahto, Son of Arjun Mahto, Resident of Village- Paroo Majaulia, P.S.-
Paroo, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

Mrs. Anjana, Advocate

For the Opposite Party/s : Mr. Satyendra Nr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-04-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Paroo P.S. Case No. 612 of 2020 for the
offences punishable under Sections 341, 323, 377 of the Indian
Penal Code and Sections 4/8 of the POCSO Act.

As per prosecution case, it is alleged that while the
victim was playing outside the house, in the meanwhile, accused
Vinod Mahto (petitioner) took the victim near Balua pond and
committed penetrative sexual assault.

It is submitted on behalf of the learned counsel for the
petitioner that the petitioner is in custody since 09.12.2020. It is



further submitted that the injury report is dated 06.12.2020, though the F.I.R. has been instituted on 07.12.2020, showing the occurrence took place on 07.12.2020, causing serious doubt over the prosecution case.

Learned APP for the State has vehemently opposed the prayer for bail.

Having considered the nature of accusation and gravity of the offence coupled with the statement of the witnesses, who have supported the prosecution case. Furthermore, the statement of the victim was also recorded under Section 164 of the Cr.P.C. and he categorically supported the prosecution case, inasmuch, as the injury report also corroborates the allegation of penetrative sexual assault on a child, aged about 6-7 years, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for grant of bail to the petitioner stands rejected.

However, it is expected that the trial court will take all necessary steps to conclude the trial as early as possible.

(Harish Kumar, J)

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