

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38455 of 2022

Arising Out of PS. Case No.-78 Year-2021 Thana- DHAKA District- East Champaran

AKASH KUMAR @ KALICHARAN MAHTO S/o Murari Mahto R/o
village- Madhubani Kala, P.S.- Chiraiya, District- East Champaran at
Motihari.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar Singh

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Dhaka
P.S. Case No. 78/2021 registered for the offences punishable
under Sections 376 and 342 of the Indian Penal Code.

As per prosecution case, there is allegation against the
petitioner is that he locked the informant's daughter in his shop
and fled away. It is further alleged that he molested the victim.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 16.03.2022
and bears no criminal antecedent. The petitioner is owner of the
mobile shop and due to village politics he has dragged in the



instant case. The said victim has been examined in the court below under Section 164 of the Cr.P.C., who has stated that the petitioner is innocent and he did not lock her by force. The petitioner has not misbehaved with her. She has also stated that the petitioner has not touched her. In the light of facts and circumstances, no offence is made out under Sections 376 and 342 of the I.P.C. against the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, statement of victim recorded under Section 164 Cr.P.C. which is not consistent with the allegation made in the FIR, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.-



Sikrahna at Dhaka in connection with Dhaka P.S. Case No. 78/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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