

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41918 of 2022

Arising Out of PS. Case No.-30 Year-2021 Thana- MAHILA P.S. District- Madhubani

Manoj Mahto Son of Raj Kumar mahto Resident of Village - Sarisabpahi,
P.S.- Pandaul, District - Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Jha, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

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

Petitioner seeks regular bail in connection with
Madhubani Mahila P.S. Case No. 30 of 2021 registered for the
offences punishable under Sections 376, 420, 323, 341, 504, 506
and 34 of the Indian Penal Code.

As per the prosecution, the informant in her fardbeyan
has alleged that the accused Rajesh Kumar Mahto established
physical relation with her on the pretext of marrying her.
Further, it is further alleged that the petitioner and his family
members refused to marry the informant with Rajesh Kumar



Mahto till their demand of dowry was not fulfilled.

The main submissions advanced by the learned counsel Mr. Gopal Jha for the petitioner are that as per the FIR the main accused is stated to be Rajesh Kumar Mahto who allegedly established sexual relationship with the informant and petitioner is the cousin brother of said Rajesh Kumar Mahto and earlier the petitioner along with three co-accused persons moved before this Hon'ble Court for the grant of anticipatory bail vide Cr. Misc. No. 55164 of 2021 but in the meantime before deciding that case the petitioner was arrested and accordingly, the said Cr. Misc. became infructuous with respect to the petitioner and the prayer of other co-accused persons was allowed.

Learned APP Mr. Ajit Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order impugned. The informant is stated to be the main victim of the instant matter and the main allegation of sexual assault allegedly committed with her appears against the co-accused person Rajesh Kumar Mahto and the petitioner is stated to be the cousin brother of the said co-accused and the similarly situated three co-accused persons are on anticipatory bail



granted by co-ordinate Bench of this Court and as per the statement made in paragraph No. 12 of the petition the informant disclosed her age as 19 years old while recording her statement before the Judicial Magistrate. Considering these facts and mainly taking into account the petitioner's custody period and his clean antecedent as mentioned in his petition, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Mahila P.S. Case No. 30 of 2021.

(Shailendra Singh, J.)

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