

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55817 of 2021

Arising Out of PS. Case No.-185 Year-2021 Thana- DAGARUA District- Purnia

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UMESH MAHTO Son of Jagdish Mahto Resident of Village- Fatehnagar
Fulwari, P.S.- Dagarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 23-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Dagarua
P.S. Case No. 185 of 2021 registered for the offences punishable
under Section 376 of the Indian Penal Code read with Sections 4
and 6 of the POCSO Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.07.2021, is a person with clean
antecedent, charge-sheet has been submitted in the case and
charges have been framed.

Learned counsel for the petitioner submits that the
informant alleges that on 08.07.2021 at 7:00 pm, when she
returned from field she did not find her minor daughter, aged
four years, in the house and her mother-in-law disclosed that she



has gone to the house of the petitioner, accordingly the informant went to the house of the petitioner and in torch light saw that her daughter was lying with her pants down and the petitioner was sleeping beside her wearing a towel. It is further alleged that the victim's mouth was full of *gutkha* and the victim on being asked whether the petitioner slept on her body, in sign language she answered in the affirmative.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case, no such occurrence had taken place, the informant and the petitioner are neighbours and were known to each other and the victim often used to go to his house for playing and on the fateful day of the occurrence, the petitioner was sleeping and was completely unaware that the victim was also lying beside her. It is further submitted that though the victim, in sign language, has disclosed that the petitioner slept on her but then the medical report negates any kind of sexual assault.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the offence *prima-facie* appears to be heinous for the reason that no mother would falsely implicate a person by alleging such heinous allegation with regard to her daughter.



Considering the submissions made by the learned
A.P.P. for the State, the Court for the present is not inclined to
grant bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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