

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54985 of 2021

Arising Out of PS. Case No.-165 Year-2021 Thana- HATHUA District- Gopalganj

CHANDAN KUMAR MAHTO Son of Rajendra Mahto Resident of Village -
Sri Nagar Aatwan, P.S.- Hathuwa, District - Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Ashish, Advocate.

For the Opposite Party/s : Mr. Dashrath Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Akshay Ashish, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Hathuwa P. S. Case No. 165 of 2021 registered for the offences punishable under Sections 376 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the husband of the informant had gone to attend a marriage, in the meantime, the petitioner entered into her house and shut the



door and committed rape upon her by putting the knife on her neck. It is also alleged that the petitioner was also under intoxication, after committing rape fled away.

Learned counsel appearing on behalf of the petitioner submitted that in fact, on account of some previous dispute, the petitioner has been falsely implicated in this case, though, he is a man of fair antecedent. It is next submitted that the occurrence took place on 27.06.2021, however, the present F.I.R. has been instituted on 30.06.2021 after delay of three days without assigning any reason. It is next submitted that the informant was also medically examined after a lapse of so many days and further no mark of any sexual assault has been found. It is next submitted that there is no independent witness to the alleged occurrence, who supported the contents of the prosecution case. It is last submitted that the prosecution story appears to absurd as the children of the informant were present in the house but none has raised any hue and cry.

On the other hand, learned APP for the State opposes the bail application and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has categorically supported the prosecution case that this petitioner has committed rape upon her and moreover,



the knife of the petitioner has been recovered from the house of the informant.

Having considered the submissions made on behalf of the parties and taking into account the nature of accusation as well as materials available on record, this court is not persuaded to enlarge the petitioner on bail.

Accordingly, the present application stands dismissed.

It is expected that the learned trial court will take all necessary measures to expedite the trial and conclude it expeditiously.

(Harish Kumar, J)

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