

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65603 of 2021**

Arising Out of PS. Case No.-162 Year-2020 Thana- MADHEPUR District- Madhubani

AJAY MAHTO @ AJAY KUMAR Son of Devnath Mahto Resident of
Village- Chandradeep, P.S.- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahboob Ashraf, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 11-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 376, 504, 506/34 of the
Indian Penal Code read with Section 4 of the Protection of
Children from Sexual Offenses Act, 2012.

Learned counsel for the petitioner submits that the
petitioner is in custody since 17.08.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that on 26.10.2020 she along
with her aunt had gone to visit a fair where they met the
petitioner who is cousin brother-in-law of the informant.
Further, the petitioner persuaded the informant and asked her to



accompany him on his motorcycle. Further, it is alleged that when they reached near the orchard of Asarfi Mahto, the petitioner sexually assaulted the informant and also threatened not to raise protest. Thereafter, the petitioner dropped the informant at her village. The informant did not disclose the occurrence instantly due to fear of facing ridicule but, later on, disclosed the occurrence to her aunt who informed the father of the informant who went to the house of the petitioner where he was abused and assaulted.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The date of occurrence is 26.10.2020 and the FIR has been instituted after an inordinate delay of ten days i.e. 05.11.2020 without any plausible explanation. It is further submitted that the petitioner is own cousin brother-in-law of the informant. It is further submitted that the alleged date of occurrence is 26.10.2020 when it is alleged that the informant along with her aunt had visited a fair but on that day the lock-down was in vogue and, as such, the allegation that the informant had gone to visit a fair does not appear plausible. Learned counsel further submits that from perusal of the allegation as alleged in the FIR and the statement of the victim under Sections 161 and 164 Cr.P.C., it



would be manifest that there is no coherency in the statement and the allegation. Learned counsel further submits that on account of dispute between the family, the petitioner has been falsely implicated and even the medical report does not support the sexual assault.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 17.08.2021, is a person with clean antecedent and charge-sheet has been submitted and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Madhepur P.S. Case No. 162 of 2020.

(Satyavrat Verma, J)

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