

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71974 of 2021**

Arising Out of PS. Case No.-204 Year-2021 Thana- KHODAWANDPUR District- Begusarai

SANTOSH MAHTO S/O RAJO MAHTO RAJENDRA MAHTO R/o village-  
Narayan Piper, P.S.- Khodawandpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      26-09-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with  
Khodawandpur P.S. Case No. 204 of 2021 registered for the  
offence under Sections 376 (AB) of the Indian Penal Code and  
Section 4 and 6 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 11.09.2021

The allegation against the petitioner is to commit  
rape/penetrative sexual assault upon minor daughter of  
informant, while she was in field.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner has been falsely implicated in the present case, due to previous enmities, as this petitioner informed the police regarding liquor activities of father of victim, as he was engaged in selling of illicit liquor, which is prohibited in the State. It is further submitted that medical report is not supporting the allegation of rape, as there is no external and internal injuries were found upon the victim as well as this petitioner, in view of Section 53(A) of the Cr.P.C. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that the victim specifically alleged this petitioner to commit rape/penetrative sexual assault upon her through her statement recorded under Section 164 of the Cr.P.C. It is also submitted that rape is a legal finding not a medical one.

In view of the submissions, as made above, as allegation against this petitioner, as regard to rape/penetrative sexual assault has been specifically supported by the victim through her statement recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner, at



present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Trial Court/Special Court is directed to proceed with the matter, by taking it on board, if so required, on day-to-day basis, so as trial may conclude within specified time as prescribed under Section 35 (2) of the POCSO Act, 2012.

Superintendent of Police, Begusarai is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court/Special Court, for expeditious disposal of trial, within specified time, as provided under law, mentioned above.

**(Chandra Shekhar Jha, J)**

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