

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5130 of 2022

Arising Out of PS. Case No.-130 Year-2020 Thana- KASBA District- Purnia

Munchun Mahto S/o Saheb Mahto Resident of Taranagar, P.S.- Kasba,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh
For the Opposite Party/s	:	Mr. Binay Krishna
For the Informant	:	Mr. Sambhar Guptas

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 01-02-2023 Heard Ld. counsel for the petitioner, Ld. APP for
the State and Ld. Counsel for the Informant.

The petitioner seeks bail in connection with Kasba
P.S. Case No.130 of 2020, registered for the offences
punishable under Sections 376 of the Indian Penal Code
and Section 4 of the POCSO Act and Sections 3(1)(r)(s),
3(2)(va), 3(2)(v) of the SC/ST Act.

The prosecution case as emerges from the FIR is
that the informant is a regular student of K.D. Girls School,
Kasba and she belongs to a Scheduled Caste . It is alleged
that one of her neighbours, Munchun Mahto had bad eyes on
her and as a consequence of this, on 26.06.2020, when the



informant was sleeping, the accused entered her room and forcibly committed rape upon her and while going, he asked her not to disclose the misdeed to anyone as he has created a video of the ravishment and he would make the video public. Furthermore, taking the benefit of her silence, he committed rape upon her five times.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the accused- petitioner is a shopkeeper of grocery in the locality and the alleged victim used to purchase grocery from his shop on credit and on demand of the due amount, false case has been filed against the petitioner. He further submits that there is delay in filing FIR. He also submits that as per the medico-legal report, she is aged between 16 to 17 years and there is no mark of injury in or around private parts of the alleged victim though hymen has been found to be torn. He also submits that investigation in this case is complete and charge-sheet has already been submitted. He further submits that the petitioner has been languishing in jail since 01.10.2021.



It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier vide Cr. Appeal (SJ) No. 2202 of 2021.

However, Ld. counsel for the informant and Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature, as a young lady of weaker section has been subjected to ravishment not once but many times and the act of ravishment was also videographed by the accused and used for blackmailing her. He also submits that even after going to jail, the accused-petitioner extended threat to the victim to withdraw the case and compromise the same and to this effect the alleged-victim has filed one application before the Special Court where Trial is going on. He also submits that Trial in this case is in advance stage as three witnesses have already been examined.

Considering the aforesaid facts and circumstances, particularly, the nature of the allegation, material on record



and the stage of Trial, I am not persuaded to enlarge the petitioner on bail at this stage.

The petition is dismissed accordingly.

However, Ld. Trial Court is directed to expedite the Trial and in case the Trial is not concluded within one year, the petitioner will have liberty to renew his prayer for bail.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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