

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16784 of 2022**

Arising Out of PS. Case No.-50 Year-2021 Thana- MAHILA P.S. District- Saran

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MUKESH MAHTO @ DHELA MAHTO Son of Jodha Mahto @ Yodha Mahto Resident of Village - Pratappur, P.s.- Awatarnagar, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Rajendra Nath Jha

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

4      19-06-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 376(d) of the Indian Penal Code and section 67 of the I.T. Act.

It is a case of gang rape by the accused persons while the informant had gone to attend the call of nature. Specific allegation against the petitioner is of making video clip of the alleged occurrence.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Specific allegation of commission of rape against co-accused Rakesh Kumar and not against the petitioner. By way of filing



supplementary affidavit, it has been brought on record that informant/victim has been got examined as prosecution witness no. 5, who in her deposition has denied the occurrence of rape rather she stated that save and except a scuffle with the agnates of the informant, nothing has happened. And accordingly, the informant has been declared hostile by the prosecution. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 3.7.2021.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Saran at Chapra in connection with Saran Mahila P.S. Case No. 50 of 2021.

**(Sunil Kumar Panwar, J)**

sushma/-

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