

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34934 of 2023

Arising Out of PS. Case No.-349 Year-2019 Thana- JOGAPATTI District- West Champaran

=====

ACCHELAL MAHTO @ ACCHELAL PRASAD SON OF KUBER MAHTO
R/O Balua Pariyagwa, Police Station- Jogapatti, District-West Champaran at
Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection
with Jogapatti P.S. Case No.349 of 2019 instituted under
Sections 363, 366(A), 504 and 34 of the IPC and Section 4 of
the POCSO Act lodged on 13.09.2019 by the informant Anita
Devi.

As per the FIR, on 01.09.2018 at about 5:00 PM. the
daughter of the informant hereinafter called victim aged about
13 years and went to cut grass in the 'Sareh. In the meantime,
the accused petitioner Achhelal Mahto came there and induced



her to go with him on the pretext of marriage. When the Informant went to the house of the accused to inquire about the incident, the accused Kuber Mahto abused the Informant and on her protest, the accused also tried to assault her. Accordingly, the FIR.

Learned counsel for the petitioner submits that the girl was subsequently recovered and she made categorical statement under Section 161 Cr.P.C. stating that she was in love with the present petitioner but was opposed by her parents. He also took this Court to Annexure-2 Series to show the Income-Tax Department issued PAN card and the 'Aadhar' card of the lady to show that her date of birth has been recorded as 20.05.2000, meaning thereby she was major on the date of occurrence i.e. 13.09.2019. He further submits that although 164 Cr.P.C. statement was made but the content is not known.

Learned APP opposes the prayer but accepts that as per the documents on record she is not minor.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner and the documents of the lady on record and he is in jail since 20.03.2022 (as stated in para-12 of the petition), this Court is inclined to grant him privilege of bail.



Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Jogapatti P.S. Case No.349 of 2019 to the satisfaction of learned Special Judge, POCSO Cum ADJ, VI, West Champaran at Bettiah, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

