

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35302 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- JAGDISHPUR District- Bhojpur

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KRISHNA MAHTO @ KRISHNA KUMAR S/O BIRENDRA MAHTO @
CHANDRADEO @ BIRENDRA KUMAR SINGH R/O Village- Masarh
Tola, P.S- Jagdishpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumar Singh
For the Opposite Party/s : Mr.Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case instituted
for the offence under Section 376 of the Indian Penal Code and
Sections 4 and 6 of the POCSO Act.

3. The allegation against the petitioner is of committing
rape upon the informant, when she went to attend the nature's call.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that the Medical report does
not support the prosecution case in respect of commission of rape.
Petitioner is languishing in judicial custody since 19.02.2023.

5. Learned APP for the State has opposed the
application for bail and submitted that the petitioner is named in



the FIR. He submitted that the victim is a minor girl, who is aged about 15 years and her statement has been recorded u/s 164 of the Cr.P.C., in which she specifically stated that this petitioner took her in a field and committed rape upon her forcefully, which corroborates the prosecution case. During investigation several witnesses have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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