

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36000 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- CHANPATIA District- West Champaran

RAJ KUMAR MAHTO SON OF KANHAIYA MAHTO RESIDENT OF
PIPRA, WARD- 05, P.S.- CHANPATIYA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 366A and 34 of the Indian Penal Code, section 3(i)(r)(s) of the SC/ST(POA) Act and sections 8 and 12 of the POCSO Act.

As per the prosecution case, it is stated by the informant that his 14 year minor daughter who had gone out to ease herself was taken away by the three named accused persons including the petitioner herein. The informant states that the other accused named in the F.I.R. also conspired to give effect to the occurrence. The informant was also abused in the name of his caste.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The



manner of occurrence is other than what has been narrated in the F.I.R. The daughter of the informant is a major who went out of her own. For recording her statement under section 164 Cr.P.C. it was her father who got her and thus the contents of the said statement cannot be fully relied upon. Even otherwise the allegation of overt act is not against this petitioner. The petitioner is in custody since 9.1.2022 and has no criminal antecedent. Chargesheet has been submitted in the case. He undertakes to cooperate in the trial.

The application for bail is opposed by learned A.P.P. for the State who submits that in the statement under section 164 Cr.P.C. the minor daughter of the informant has made allegations of being raped continuously for a month and takes the name of four accused persons including the petitioner herein.

In response, learned counsel for the petitioner submits that the medical report does not support the allegations of rape.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner who is an F.I.R. named accused, the contents of the statement under section 164 Cr.P.C. of the 14 year old daughter



of the informant wherein she has made allegation of being raped for a month and names this petitioner along with others, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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