

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49382 of 2023**

Arising Out of PS. Case No.-227 Year-2019 Thana- MAJHAULIA District- West Champaran

Rambabu Kumar @ Ram Babu Mahto, aged about 26 years, Male, S/O
Bharat Mahto, R/O Village- Parsa, P.S- Majhauria, Distt.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party : Mr. Md. Shakir Ahmad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 12-12-2023 Learned counsel for the petitioner is permitted

to remove the defect(s), as pointed out by the office, if

any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Majhauria P.S. Case No. 227 of 2019

(S.G.R. 56 of 2019) dated 20.05.2019 registered for the

offences punishable under Sections 376/511, 354, 354A,

354C, 354D/34 of the I.P.C. and Sections 7, 8 and 11 of

the POCSO Act.

4. As per the prosecution case, the petitioner



and his friend, Santosh Mahto, are alleged to have always tried to establish illicit relationship with the minor victim and in absence of her parents, they have always entered her house and almost three months ago, they have clicked her nude photo after consuming alcoholic substance and the co-accused Santosh Mahto viralled the same and also gave threatening if the complaint is made before the police, her parents would be killed.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that after completion of investigation, the police submitted charge sheet being Challan No. 238 of 2019 under the aforesaid offences only against the co-accused Santosh Mahto and the allegation against the petitioner was found to be not true but on 06.01.2020, learned court below differed with the same and took cognizance against the petitioner for the alleged offences. It is submitted that the petitioner is a labour and working in Delhi much prior



to the alleged occurrence and he has no concern with the co-accused Santosh Mahto and the victim. It is further submitted that from perusal of the C.D.R. report, it appears that no talk was taken place in between the petitioner and the victim on the petitioner's mobile phone. The two recovered mobiles, which were tracked, were of the co-accused, Santosh Mahto, from which naked photo of the victim was viralled.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, West Champaran, Bettiah, in connection with Majhulia P.S. Case No. 227 of 2019 (S.G.R. 56 of 2019), subject to the condition as laid down under Section 438(2) of the



Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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