

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51703 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- PANCHRUKHI District- Siwan

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Suraj Mahto Son Of Jhagaru Mahato R/O Village- Tilauta Rasulpur, P.S.-
Pachrukhi, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 342, 354(B), 376 and 511 of
the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

According to prosecution case, the informant alleged
that her daughter disclosed that the petitioner had taken away
her by tying her mouth and eyes and tried to establish physical
relation with her.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case due to previous dispute. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence took place. The petitioner is in custody since 03.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the basis of material available on record and the case diary and submits that it has come during investigation that the victim is minor and the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has tried to commit rape upon her.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Pachrukhi P.S. Case No. 148 of 2022 pending in the court of learned Special Judge, POCSO, Siwan.

Prayer is refused.

(Rajesh Kumar Verma, J)

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