

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53881 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- BARSOI District- Katihar

MAHESH MAHTO Son of Ram Sagar Mahto Resident of Village - Bena
Bari, P.S.- Balrampur, District - Katihar, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shambhu Singh S/o Lelpa Singh, Vill-Sohar, P.S. Balrampur, Dist.-Katihar,
Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366(A), 354 and 34 of
the Indian Penal Code and Section 8 of POCSO Act.

According to prosecution case, the petitioner along
with other accused persons kidnapped the daughter of the
informant from marriage ceremony for the purpose of marriage.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. In fact, the petitioner and victim
girl was in love.

The learned counsel for the informant as well as



learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that during investigation, it has come that the accused persons including the petitioner have committed rape upon the victim girl and the statement of the victim girl was recorded under Section 164 of Cr.P.C., in which, she has categorically stated that the petitioner and other co-accused persons have committed rape upon her.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Barsoi P.S. Case No. 101/2022, pending in the court of learned A.D.J.-VII-cum-Special Judge, Katihar.

Prayer is refused.

(Rajesh Kumar Verma, J)

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