

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60103 of 2023

Arising Out of PS. Case No.-9 Year-2021 Thana- MAHILA P.S. District- Samastipur

Umesh Mahto Son Of Late Gyan Chandra Mahto @ Jagdeo Mahto Resident
Of Village- Dadhiya Asadhar Gadha Tola, Ps -Angarghat, Dist -Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 323, 324, 341, 376,
504, 506/34 of the Indian Penal Code.

3. The allegation against the petitioner along with
others is of committing rape upon the informant when she went
out to ease herself. It is further alleged that when the family
members of the informant went to the house of the petitioner,
they were assaulted by the petitioner and other co-accused
persons.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Both the parties are co-villager, due to



dispute over money lending, the petitioner has falsely dragged in this case with malicious intention. There is variance in the statement of the victim in the FIR and the statement recorded u/s 164 of the Cr.P.C. In the FIR, she has stated about the petitioner and co-accused committing rape with her, whereas in her statement recorded U/s 164 of the Cr.P.C., she has stated that the petitioner caught hold her and the co-accused committed rape with her. Further, the informant was medically examined after two days of the occurrence, but no signs of rape were found on her body and the medical report does not supported the prosecution case. He further submitted that charge-sheet has already been submitted against the petitioner. The other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 08.02.2023 passed in Cr. Misc. No. 44075 of 2022. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 17.06.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner



on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Samastipur in connection with Mahila P.S. Case No. 09 of 2021.

(Sunil Kumar Panwar, J)

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