

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66534 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MAHILA P.S. District- Siwan

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DHANU KUMAR MAHTO @ DHANU MAHTO S/O SHANKAR MAHTO
Resident of village- Noniya Patti, P.S.- Siswan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 28-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case instituted for the offence under Sections 448, 341, 342, 337, 376(DA) and 363 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

As per prosecution case, two unknown persons along with petitioner entered the room of the informant through roof and brought her in a field, when she was making noise, then the petitioner has started to assault her with brick and stone. He untied her cloth and raped her and when the father and villagers came they were fled away.

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



further submitted that medical report not supported the prosecution case. Petitioner has no criminal antecedent as stated in para-3 of the bail application. Petitioner is in custody since 08.08.2022.

The application for bail is opposed by learned APP for the State and submitted that the petitioner is named in the FIR and that the victim girl made direct allegation against the petitioner. She stated in her statement recorded u/s 164 of the Cr.P.C., that she is aged about 17 years and the petitioner assaulted her and committed rape forcefully by help of two unknown persons. During investigation witnesses supported the prosecution case.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite and conclude the trial as soon as possible.

(Sunil Kumar Panwar, J)

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