

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67213 of 2022

Arising Out of PS. Case No.-450 Year-2022 Thana- JOGAPATTI District- West Champaran

Sheojee Mahto @ Shiji Prasad @ Sheo Mahto Son Of Sri Gokul Mahto R/O
Village- Srinagar, P.S.- Srinagar, (Pujaha), District- West Champaran, At
Present, Village- Dhanwatiya, P.S.- Jogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mrs. Usha Kumari 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.08.2022 in connection with Jogapatti P.S. Case No. 450 of
2022, F.I.R. dated 20.08.2022 for the offences punishable under
Section 376 of the Indian Penal Code and Section 17, 4, 6 of the
POCSO Act and Section 3(1)(w) of SC/ST Act.

According to prosecution case, in brief, is that in the
day at about 1:00 P.M. when the daughter of the informant aged
about 14 years went to attend the call of the nature towards
South direction Sareh near the Peepal tree then in the meantime
the accused-petitioner named in the F.I.R. arrived there and by
taking the victim girl who is also dumb and mentally retarded in



the field of Brinjal and committed rape upon her when the informant returned home after finishing her work then the victim girl informed about the occurrence. After that when the informant inquired about the same with the accused petitioner then the accused petitioner admitted and said he did it by mistake.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence took place. He further submits that the date of occurrence as alleged in the F.I.R. is in the month of December, 2021 but the present F.I.R. has been instituted on 20.08.2021 after delay of eight months without any explanation of delay.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the victim girl has supported her case as alleged in the F.I.R. and in her statement which was recorded under Section 161 of Cr.P.C. and 164 of Cr.P.C. in which she has categorically stated that the petitioner has committed wrong with the victim and at the time of the occurrence the victim was minor.



Considering the aforesaid facts, I am not inclined to
enlarge the petitioner on bail in connection with Jogapatti P.S.
Case No. 450 of 2022 pending in the court of learned Additional
Sessions Judge-VI-cum-Special Judge, POCSO Act, West
Champaran at Bettiah.

Prayer is refused.

(Rajesh Kumar Verma, J)

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