

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73082 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. MUKESH KUMAR @ MUKESH MAHTO S/o SRI DEVA MAHTO R/o Mohalla - Sakunat Kalan, P.S. - Bihar, Distt. - Nalanda
 2. Rambriksh Mahto @ Ram Briksh Prasad Son of Sri Deva Mahto R/o Mohalla - Sakunat Kalan, P.S. - Bihar, Distt. - Nalanda

... .. Petitioners.

Versus

1. The State of Bihar
2. Rina Devi @ Rima Devi W/o Lalan Mahto R/o Mohalla - Sakunat Kalan, P.S. - Bihar, Distt. - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Bipin Kumar, Advocate
For the State	:	Mr. Syed Mojibur Rahman, APP
For the O.P. No.2	:	Mr. Bishwa Bijay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-12-2023 Heard learned counsel for the petitioners and learned A.P.P.

for the State assisted by learned counsel for the opposite party
no.2.

2. The petitioners apprehend their arrest in a case registered for
the offences punishable under Sections 323, 341, 354, 504 &
506/34 of the Indian Penal Code and Section 7 of the POCSO
Act.

3. While the daughter of the informant was regressing from the
market after taking vegetables, both the petitioners are said to
have assaulted her and also threatened to kill her.

4. It is submitted by learned counsel for the petitioners that no



such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that police after investigation has submitted a final form against the petitioners finding lack of evidence and proof. Thereafter, the informant filed a protest-cum-complaint petition and the learned Court below took cognizance against the petitioners. It is further submitted that during the entire investigation no independent witness has come forward to support the prosecution case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State assisted by learned counsel for the opposite party no.2 opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case as well as the fact that the cognizance has been taken by the learned Court below on the protest-cum-complaint petition, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned



lower Court where the case is pending/successor Court in connection with Complaint Case No.10 of 2023, arising out of Mahila P.S. Case No.102 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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