

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5187 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- SC/ST BETTIAH District- West
Champaran

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Santosh Mahto @ Santosh Kumar Kushwaha S/O Mahabir Mahto Village-
Mahediya, Ward No. 2, Ps. Chanpatiya, Dist. West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha Devi W/O Chokat Ram Village- Mahediya, Ward No. 2, Ps.
Chanpatiya, Dist. West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap

For the Opposite Party/s : Mr. Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 15-05-2024 Heard Sarvesh Kashyap, learned counsel for the

petitioner, informant and Mr. Dilip Kumar No. 1, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 341, 323,
376, 511, 504, 506 of the Indian Penal Code, Section 8/12 of the
POCSO Act and Sections 3(i)(r)(s)(w), 3(2)(va) of the SC/ST
Act.

3. Petitioner is said to have wrong act with the victim
when she was coming from the shop.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in this
case. He submits that the petitioner and the informant are



neighbors and there is land dispute pending between them. He submits that there is no allegation against the petitioner to abuse the informant by taking caste name. He submits that medical report of the victim is not available on record. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State and informant opposing the prayer for bail submit that the victim is the minor and some witness has supported the prosecution case.

6. Considering the nature of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with SC/ST P.S. Case No. 29 of 2023.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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