

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9847 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- RAUTARA District- Katihar

Mithilesh Mahto S/O- Sita Ram Mahto R/O- Village- Ramaili, P.S.- Rautara,
Dist.- Katihar.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Md Musowir, Advocate
For the Opposite Party : Mr.Braj Kishore Pd.(APP)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and the
State.

2. The petitioner apprehends arrest in a case registered for the offence punishable under section 376 of the Indian Penal Code.

3. As per the prosecution case, petitioner entered the house of the informant when she was alone and committed rape on her.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. F.I.R. has been lodged after inordinate delay of two months without any explanation which renders the entire prosecution case doubtful. Informant is habitual in filing such cases against the villagers. In year 2017 she had filed CA Case No. 1984/2017 under section 376 against one Arjun Mahto. Charge sheet has been submitted in the case under sections 354B/448 of the IPC. Petitioner claims clean antecedent.

5. Considering the aforesaid facts of the case, prayer



for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class Katihar in Rautara Police Station Case No. 80 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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