

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50228 of 2024

Arising Out of PS. Case No.-517 Year-2019 Thana- MOTIPUR District- Muzaffarpur

JAI PRAKASH KUMAR @ PAPPU KUMAR SON OF PRABHU MAHTO
R/O- VILLAGE- BAGAH MAILIKANA, P.S.- MOTIPUR, DIST.-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Adv.
Mr. Rajeev Ranjan No. II, Adv.
For the Opposite Party/s : Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 25-10-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with S. Tr. No. 190 of 2023 arising out of Motipur P.S. Case No. 517 of 2019, registered for the offences punishable under Sections 376, 315, 34 of the IPC.

3. As per allegation, the marriage of the informant was solemnized with late Om Prakash Matho. Om Prakash Matho died in the year 2016. After his death, the petitioner, who is son of the elder brother of Om Prakash Mahto, committed rape upon the victim. At the pretext of marriage, he continuously had sexual relations with her and when she



became pregnant, the pregnancy was terminated at the pressure of parents of the petitioner.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The victim has filed an affidavit before the court below in which she categorically stated that, after the death of her husband, some dispute arose between the matrimonial inmates and herself, due to which she lodged Motipur P.S. Case No. 517 of 2019. He has also submitted that, after filing the application at the instigation of her family members, she supported the allegation in her statement under Section 164 of the Cr.P.C. He has also submitted that the petitioner has been under custody for more than two and a half years. He has also submitted that though the bail application of the petitioner was earlier rejected by this Court vide order dated 11.05.2023 in Cr. Misc. No. 1426 of 2023 but the fresh ground for renewal of the bail application is the slow speed of the trial.

5. On the other hand, the learned APP for the State Sri J.N. Thakur has opposed the prayer for bail and submitted that the informant, in her statement under Section 164 of the Cr.P.C., has supported the prosecution case.

6. The charges were framed on 25-4-2023 and to



procure the appearance of the victim as witnesses, all the process were exhausted by the court below, including the issuance of bailable warrants, but she didn't appear and up-till now, only the doctor and one co-villager have been examined. The doctor did not find any evidence of sexual assault.

5. Considering the above-mentioned facts and circumstances, specially the slow pace of the trial, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO-3, Muzaffarpur in connection with S. Tr. No. 190 of 2023 arising out of Motipur P.S. Case No. 517 of 2019, subject to the following condition that the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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