

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52472 of 2024**

Arising Out of PS. Case No.-219 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Kanhaiya Mahto Son Of Late Saryu Mahto R/O- Mohalla- Bagwan Bazar  
Thana Road, Ward No. 14, P.S.- Bhagwan Bazar, Dist.- Saran At Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tarkeshwar Mahto Son Of Late Krishna Mahto Resident Of Bhagwan Bazar,  
Roadno. 14, P.S.- Bhagwan Bazar, Distt.- Saran At Chapra

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dewendra Narayan Singh  
For the Opposite Party/s : Mr.Abhay Kumar,APP  
Mr.Anil Kr. Tiwary

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      25-10-2024                      Heard learned counsel for the petitioner, learned  
A.P.P. for the State and learned counsel for the O.P. No. 2.

2. The petitioner seeks bail in a case registered for  
offence under Sections 341, 323, 324, 307, 448, 504, 34 of the  
Indian Penal Code and Section 8 of the POCSO Act.

3. As per F.I.R., this petitioner alongwith other co-  
accused persons tried to outrage the modesty of daughter of the  
informant and on protest by informant, all the accused persons  
abused and assaulted him with sword.

4. Learned counsel for the petitioner submits that  
specific accusation of outraging the modesty and committing  
assault is against other co-accused persons. So far as this



petitioner is concerned, there is no allegation of overt act against him. The victim, in her statement recorded under Section 164 Cr.P.C., has stated that this petitioner did not take any action on the complaint made by the victim. One co-accused namely Shashi Bhushan Mahto, against whom there is allegation of assault to informant, has already been granted anticipatory bail by this Court, vide order dated 10.09.2024 passed in Cr.Misc. No. 56709/2024. Petitioner has got clean antecedent and is in custody since 01.05.2024. Chargesheet has been submitted.

5. Learned A.P.P. for the State and learned counsel for informant/O.P. No. 2 vehemently opposed the bail petition.

6. Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO Act, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 219 of 2024.

(Prabhat Kumar Singh, J)

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