

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67641 of 2024

Arising Out of PS. Case No.-69 Year-2023 Thana- BHADAUR District- Patna

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Ram Vriksh Mahto Son of Chamari Mahto Resident of Village - Wakawan,
Police Station - Bhadaur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munarki Devi Wife of Ram Julam Mahto Resident of Village - Wakawan,
Police Station - Bhadaur, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 22-11-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with POCSO Case no.164 of 2023, arising out of Bhadaur P.S Case no. 69 of 2023, registered under sections 376AB, 376DA, 376J and 506 of the Indian Penal Code, sections 4, 6, 14 and 15 of the POCSO Act and sections 67A and 67B of the I.T. Act.

3. As per the prosecution case, the informant states that she was shown a video by her *devar* (husband's brother) wherein the petitioner is seen committing rape on her 12 year old minor daughter.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order



dated 24.1.2024 (Annexure P/1) passed in Cr. Misc. no.1285 of 2024. The petitioner, who is in custody since 16.6.2023, has been falsely implicated in the case. The medical report does not support the prosecution case. Inspite of charge having been framed on 24.11.2023, no witness has been examined on behalf of the prosecution in the learned trial Court.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. A report was called for with respect to the stage of the trial from the learned trial Court. As per the report received, charge has been framed on 24.11.2023, however no witness has been examined. From the contents of the statement of the victim recorded under section 164 Cr.P.C, she has supported the prosecution case of rape against this petitioner and of co-accused Mukesh Mahto having made video on his mobile phone of the occurrence.

7. In view of the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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