

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60778 of 2023

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

Mukesh Mahto Son Of Sri Mahto Village- Bakawan Bigha, P.S.- Bhadaur,
District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

8 12-02-2024 Heard learned counsel for the petitioner and learned
APP for the State. On repeated call no one appeared on behalf of
the informant.

2. The petitioner seeks regular bail in connection with
Special (POCSO) Case No. 164 of 2023 arising out of Bhadaur
P.S. Case No. 69 of 2023 registered for the offence under
Sections 376 (AB), 376 (DA), 376 (J), 506 of the Indian Penal
Code and Sections 4, 6, 14, 15 of POCSO Act, and Sections
67(A), 67(B) of I.T. Act.

3. As per the prosecution, the petitioner is alleged to have
committed rape with the minor daughter of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. There is some land dispute between the petitioner



and the informant due to which there was free fight and case and counter case has been lodged by both sides. He further submits that petitioner is in custody since 28.10.2023. Similarly situated co-accused person, namely, Baldhurup Kewat has already been granted bail by a co-ordinate Bench of this Court vide order dated 27.05.2022 vide Cr. Misc. No. 30933 of 2022.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. Perused the F.I.R. case diary and 164 statement of the victim this is a case of 376(AB), 376(DA), 376(J) and 506 of the Indian Penal Code and Section 4, 6, 14 and 15 of POCSO Act and Section 67(A), 67(B) of I.T. Act. From perusal of F.I.R. it appears that there is specific allegation against the petitioner which was also supported by the victim under 164 Statement. The witness examined under Section 161 also supported the prosecution case. Considering the aforesaid facts and circumstances and allegation which is very serious, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer is rejected.

(Ramesh Chand Malviya, J)

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