

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60048 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- MAHILA P.S. District- Madhepura

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Dinesh Mehta @ Dinesh Mahto S/O Nandlal Mehta @ Nandlal Mahto
Resident of Village- Bhgipur, Ward no. 5, P.S- Alam Nagar, District-
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bechni Devi W/O Rubin Yadav Resident of Village- Bhgipur, Ward no. 2,
P.S- Alam Nagar, District- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 19-11-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Mahila P.S. Case No. 03
of 2024, instituted for the offences punishable under Section
376 of the Indian Penal Code and Sections 4/6 of the POCSO
Act.

3. The prosecution case, in short, is that, minor
daughter of the informant went to maize field where the
petitioner committed rape upon her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted as well as Charge has also been framed in this Case. Learned counsel for the petitioner also submits that the medical report of the victim has not supported the fact of rape. The petitioner was not arrested by the police, rather he was handed over by the informant and her associates to the police. The petitioner is in custody since 02.02.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that there is specific allegation of committing rape of minor girl of the informant. In the statement recorded under Section 164 Cr.P.C., the victim girl could not give her statement and in place of victim girl the informant gave her statement. It is further submitted that on perusal of para- 16, 17 and 18 of the case diary it transpires that the witnesses have stated that the petitioner has committed rape upon the daughter of the informant, they have caught the petitioner and handed him over to the police. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.



7. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

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