

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76856 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- PANCHRUKHI District- Siwan

Suraj Mahto Son Of Jhagaru Mahto @ Zagaru Mahato Resident Of Village-
Tilauta Rasulpur, Ps- Pachrukhi, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-01-2024 Heard Mr. Ajay Kumar Pandey, learned counsel
for the petitioner and Mr. Satyendra Narayan Singh, learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
POCSO Trial No. 71 of 2022 arising out of Pachrukhi P.S. Case
No. 148 of 2022, for the offences punishable under Sections
342, 354(B), 376 and 511 of the Indian Penal Code and Sections
8 & 12 of the POCSO Act.

3. Earlier the prayer for bail of this petitioner has
been rejected vide order dated 25.02.2023 passed in Cr. Misc.
No.51703 of 2022 considering the case of the petitioner on
merit.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case due to village politics. He submits



that the allegation as alleged in the FIR is false and fabricated and petitioner has not committed any offence in the FIR, in fact the victim was major. He further submits that the medical report does not support the allegation as alleged in the FIR. He submits that the occurrence took place on 29.06.2022 but the present FIR was instituted on 02.07.2022 after the delay of three days without giving any explanation of delay.

5. A report with regard to present stage of the trial has been called for by this Court vide order dated 01.12.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that two witnesses have been examined including the victim and the informant and the case is pending for the examination of the rest of the persecution witnesses.

6. Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case as well as the report of the trial Court, I am not inclined to enlarge the petitioner on bail in connection with POCSO Trial No. 71 of 2022 arising out of Pachrukhi P.S. Case No. 148 of 2022 pending in the Court of Addl. Sessions Judge VI cum Special Judge, POCSO, Siwan.



8. Accordingly, the prayer for bail of the petitioner is rejected. However, learned trial court is directed to expedite the trial and try to conclude it at the earliest.

(Rajesh Kumar Verma, J)

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