

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1285 of 2024

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

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Ram Vriksh Mahto S/O LATE CHAMARI MAHTO RESIDENT OF
VILLAGE- WAKAWAN, P.S.- BHADAUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application 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 petitioner has been falsely implicated in the case. There is an unexplained delay of one month in lodging of the F.I.R. The age



of the alleged victim has been estimated to be just below 18 years and giving the margin of error of two years, the victim is a major. The allegation of making the video viral has not transpired in course of investigation. The petitioner who is in custody since 16.6.2023 has no criminal antecedent. Investigation in the case has concluded.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner of having committed rape on the daughter of the informant as also of making the video of the occurrence viral, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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