

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7473 of 2023

Arising Out of PS. Case No.-82 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. BALRAM MAHTO @ BALRAM KUMAR SINGH SON OF YOGENDRA MAHTO R/O VILLAGE- GHUSKIPATTI, P.S.- PHULPARAS, DISTRICT- MADHUBANI
 2. PRAMOD KUMAR MAHTO SON OF RAJ KUMAR MAHTO R/O VILLAGE- BALABA KHAR, P.S.- PHULPARAS, DISTRICT- MADHUBANI
 3. RAJESH MAHTO @ RAJESH KUMAR MAHTO SON OF LATE DEO NARAYAN MAHTO R/O VILLAGE- BALABAKHAR, P.S.- PHULPARAS, DISTRICT- MADHUBANI
 4. BULAN MAHTO @ ASHOK KUMAR SON OF DUKAN MAHTO R/O VILLAGE- GHUSKIPATTI, P.S.- PHULPARAS, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KRITIK KUMARI D/O SHYAM SUNDAR MAHTO R/O VILLAGE- GHUSKIPATTI, P.S.- PHULPARAS, DISTRICT- MADHUBANI

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
		Mr. Gagan Deo Yadav, Advocate
		Mr. Vinod Kumar, Advocate
		Mr. Udeshya Kumar Yadav, Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 05-06-2025

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with C.R. Case no.82 of 2018 registered under sections 376, 354B, 511, 323, 341, 342, 504 and 506 of the Indian Penal Code and section 8 of the POCSO Act.



3. As per the prosecution case, the informant states that while she was returning, the accused persons ie the petitioners herein made an attempt to commit rape on her.

4. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. There is an unexplained delay of 1 month 14 days in filing of the instant complaint. Further reference is made to another F.I.R. lodged by the father of the complainant and brought as Annexure-2 to the petition to submit that the same was also filed after an inordinate delay and on investigation, the allegations levelled therein were found to be false and final form submitted. Further in reference to statement in paragraph no.11 of the petition, it is submitted that the complainant had filed yet another F.I.R. being Phulparas P.S. Case no. 423 of 2019. Thus it is submitted that the complainant and her father are in the habit of filing false cases one after another, three cases having been filed at close intervals. The petitioners have no criminal antecedent and undertake to cooperate in the case.

5. The application for anticipatory bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners



in the complaint wherein specific allegations have been levelled of the petitioners having attempted to commit rape on the victim/complainant, the Court is not inclined to enlarge the petitioners on anticipatory bail and the application is rejected.

7. The petitioners are directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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