

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26931 of 2024

Arising Out of PS. Case No.-40 Year-2022 Thana- MAHILA P.S. District- Lakhisarai

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Suman Devi W/o Binod Mahto (Imaginary Kailash Mahto name) resident of
Vill. Bill P.S. Ramgarh Chowk, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Digvijay Mahto S/o Raj Kishore Mahto Resident of Vill. Billo P.S. Ramgarh
Chowk District- Lakhisarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar, Adv.

For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-04-2025 Heard the parties.

2. The present application has been filed for
cancellation of bail of Opposite Party No. 2 who has been
granted bail by this Court in Cr. Misc. No. 18052/2023 in
connection with Lakhisarai Mahila PS Case No. 40/2022 for the
offence u/s 341, 323, 379, 376, 354B, 448, 504/34 IPC and 4/8
of the POCSO Act.

3. Learned counsel for the petitioner submits that the
accused/OP No.2, Digvijay Mahto was having criminal
antecedent which was not recorded in the bail petition filed by
him and as such, the relief granted to him be cancelled after
issuance of notice.

4. Learned State counsel, on the other hand, opposes
the prayer submitting that the bail order does not show the
submissions put forward by the concerned learned counsel that
he is having no criminal antecedent and the ground for allowing



the bail application is/was that similarly situated accused persons, namely, Rajkishore Mahto and Nandkishore Mahto have been extended relief. He, as such, submits that it is not the case of the petitioner that after release from custody, either he has threatened her or has done anything to hamper the investigation/trial.

5. Having heard the parties and perusing the records, this Court finds force in the submission of learned State counsel. While considering the bail of the O.P. No.2, the learned counsel representing him has not made any submission on his criminal antecedent as reflects from the order. It is further not the case of the petitioner that after release from custody, he has done anything making the petitioner knocking the door of the Court. In that background, no relief can be granted.

6. Accordingly, the present application for cancellation of bail of OP No.2, Digvijay Mahto stands rejected.

(Rajiv Roy, J)

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