

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26879 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- RAXAUL District- East Champaran

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Sunil Mahto S/O Late Lalan Yadu Mahto @ Late Yadu Mahto R/o vill.-
Noneya Dih, P.S.- Raxual, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi W/O Late Chhotalal Mahto R/o vill.- Noneya Dih P.S.- Raxual
Dist- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate
For the Opposite Party/s : Mrs. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Raxaul P.S. Case No. 326 of 2024 lodged on 09.09.2024, for the offence punishable under Sections 126(2), 115(2), 118(1), 65(1), 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioner. The specific allegation in the FIR is against one Bablu Kumar, S/o Shambhu Mahto who has alleged to commit rape with the informant's daughter.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that from bare reading of the FIR, it transpires that it is a false case due to the reason that the date of occurrence is 17.04.2024 but, the present FIR has been lodged on 09.09.2024. Counsel submits that petitioner has been made accused in this case only due to the reason that he is the uncle of accused Bablu Kumar and with a view to create pressure upon the petitioner and others, the present case has been filed. Counsel further submits that the petitioner has no criminal antecedent and petitioner has repeatedly made request to the high officials for fair investigation, but they did not pay any heed towards him. Counsel submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the date of occurrence is 17.04.2024 but, the present FIR has been lodged on 09.09.2024 i.e. about a gap of five months.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing



bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023 to the satisfaction of 7th District and Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, in connection with Raxaul P.S. Case No. 326 of 2024, subject to the conditions as laid down U/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

Divyansh/-

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