

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66146 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- KAMTAUL District- Darbhanga

Kishan Kumar @ Kishan Mahto Son of Sitaram Mahto Resident of Village -
Madhpur, P.S.- Kamtaul, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Runa Kumari Daughter of Ram Mahto R/o Village and Post - Madhpur, P.S.-
Kamtaul, District - Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

4 02-04-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail has

been filed by the petitioner apprehending his arrest in

connection with Kamtaul P.S. Case no. 143 of 2024 instituted

for the offence under Sections 341, 342, 376, 323, 504, 506,

354(B)/34 of the Indian Penal Code and Sections 4, 8 of

POCSO Act

3. The prosecution's case, in brief, is that while the

informant was on her way to her friend's house, she was

intercepted near a garden by the petitioner and co-accused



Anil Kumar, who forcibly took her inside the garden. It is further alleged that the petitioner threatened the informant with a knife, while co-accused Anil Kumar sexually assaulted her. They also threatened to kill her. Upon reaching home, the informant informed her mother about the incident. When the family members of the informant went to the house of accused persons, they allegedly assaulted and abused them.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. It is further submitted that both the parties are co-villager and there is case and counter case between them. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent.

5. Learned APP appearing for the state has vehemently opposed the prayer of bail and submitted that there is specific allegation against the petitioner to caught hold the informant/victim and threatened at the point of dagger, where co-accused Anil Kumar committed rape with the victim. It is further contended that petitioner along with co-accused threatened her to kill. From perusal of para 2, 35,



36, 37 of the Case Diary, it reflects that witnesses have supported the prosecution story. In the statement of the victim, recorded u/s 164 of Cr.P.C., she has supported the allegation levelled in FIR. Birth certificate is annexed with the case diary which shoes that she is minor at the time of alleged offence. Investigation is still going on.

6. Having heard the learned counsel for the parties and considering the heinous nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for anticipatory bail stands rejected.

7. The petitioner is directed to surrender before learned court below and pray for regular bail, which may be considered by the court below on its own merit, without being prejudiced by the order of this Court.

(S. B. Pd. Singh, J)

Nirajkrs/-

U		T	
---	--	---	--

