

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84532 of 2024

Arising Out of PS. Case No.-160 Year-2024 Thana- JALE District- Darbhanga

Shankar Mahto Son of Rajkumar Mahto Resident of Village - Samdhaniya,
Ward No. 16, Post - Gaddi, P.S. - Jale, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalo Devi Wife of Rambalak Mahto Resident of Village - Samdhaniya, Post
- Gaddi, P.S. - Jale, District - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP
For the Informant	:	Mr. Ganesh Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 27-02-2025 Heard learned counsel for the petitioner and learned
APP for the State as also counsel for the Informant. Perused the
case diary.

2. The petitioner seeks bail in connection with Jale P.S.
Case No. 160 of 2024 instituted for the offences under Sections
126(2), 115(2), 64, 62, 3(5) of the Bhartiya Nyaya Sanhita and
Section 8 & 12 of the POCSO Act.

3. As per prosecution case, the petitioner entered into
the room of the Informant and started teasing and biting on the
face and chest of her minor daughter. It is also alleged that he
also tried to take the Informant's daughter outside for the
purpose of rape but, when the victim raised *hulla*, the petitioner
fled away from there.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations as also due to dirty village politics. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that is delay of ten days in instituting the F.I.R. without there being any plausible explanation for such delay which shows that the present F.I.R. has been lodged after due deliberation just to falsely implicate the petitioner in this case. From perusal of the medical report, it appears that the doctor has not found any external injury which falsifies the whole allegation made in the F.I.R. of biting of teeth on the face and chest of the victim girl. The petitioner has no criminal antecedent and is languishing in judicial custody since 26.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim girl is minor. In the statement of the victim girl recorded under Section 183 of the B.N.S.S., she has corroborated the allegations made in the F.I.R. The medical report supports the prosecution case though the victim girl has refused for the genital examination. The



petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jale P.S. Case No. 160 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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