

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3279 of 2025

Arising Out of PS. Case No.-416 Year-2024 Thana- KHAJEKALA District- Patna

Rajkumar Mahto @ Raj Kumar Mahto @ Raju Son of Binda Prasad @
Vineshwar Mahto Resident of Sita Mandir, Baxi Colony, Patna City, P.S. -
Khajekala, District - Patna, State - Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Rai, Son of Ramanand Rai Resident of Sita Mandir, Baxi Colony,
Patna City, P.S. - Khajekala, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Narayan, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 19-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Special (POCSO) Case No. 291 of 2024 arising out of Khajekala P.S. Case No. 416 of 2024 registered for the alleged offences under Sections 64(1) of the Bharatiya Nyaya Sanhita, under Sections 4 and 6 of the POCSO Act.

03. As per prosecution case, the petitioner by giving inducement of Chocolate etc., enticed away the minor daughter of the informant to a field and sexually assaulted her. When the brother of the informant and the people from locality reached there, the petitioner fled away from the spot.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that from the averment made in the written report of the FIR and the statement of the victim girl, no case is made out for penetrative sexual assault though, only allegation is that of touching the private parts of the minor girl. However, it is a false and concocted case and the same has been lodged due to the fact that the petitioner has made complaint to the Police about the informant and his family indulging in trade of illicit liquor. Thereafter, the informant and his family members attacked the house of the petitioner. The brother of the informant has been in custody for accusation of dacoity and the full family of the informant is involved in illegal trade of liquor. Learned counsel further submits that it is a case of complete false implication for which the petitioner is in custody since 05.10.2024 and charge-sheet has been submitted. Petitioner is having no criminal antecedent.

05. Learned APP for the State opposes the prayer for bail and submits that petitioner under perversion sexually assaulted the 11 years old minor daughter of the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



doubtful nature of allegation and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Additional Sessions Judge-VII-cum-Special Judge, POCSO, Patna in connection with Special (POCSO) Case No. 291 of 2024 arising out of Khajekala P.S. Case No. 416 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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