

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14479 of 2025

Arising Out of PS. Case No.-145 Year-2024 Thana- PIPRAKOTHI District- East Champaran

Ravindra Mahto @ Bhanu Mahto, Son of Aklu Mahto @ Akul Mahto,
Resident of Village-Sagar Churaman, Police Station-Kesariya, District-East
Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Ritu Devi, Wife of Manoj Sah, Resident of village-Bathna Pipra Kothi, P.S.-
Pipra Kothi, Dist- East Champaran.
3. Rinku Kumari, Daughter of Manoj Sah, Resident of village-Bathna Pipra
Kothi, P.S.- Pipra Kothi, Dist- East Champaran

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha-1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 07-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Pipra Kothi P.S. Case No.145 of 2024 registered for the
offences punishable under Sections 137(3), 96, 3(5) of the
Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The accused/petitioner is named in the FIR and
is in custody since 07.09.2024.

4. Allegation against the petitioner is to commit



penetrative sexual assault/rape upon the minor daughter of informant aged about 16 years.

5. It is submitted by learned counsel appearing for the petitioner that after recovery, the statement of victim was recorded under Section 183 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS'), where she categorically stated that she went Bengaluru with one Deva, where she came in contact with this petitioner and she herself offered to petitioner for marriage and, thereafter, on acceptance, the marriage solemnized between them. It is submitted that from the statement of victim, the allegation of kidnapping and sexual assault *prima facie* not appears convincing and moreover nothing incriminating appears upon medical examination of victim in support of penetrative sexual assault/rape, wherein the victim also found between the age group of 17-19 years, making allegation under POCSO Act questionable. While concluding argument, it is submitted that even the victim could not examined in view of Section 35(1) of the POCSO Act suggesting *prima facie* that trial of this case is not likely to conclude within the time prescribed in view of



Section 35(2) of the POCSO Act. The petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioner. None appeared on behalf of informant despite of service of notice.

7. In view of aforesaid factual submissions and by taking note of fact as victim completely negate allegation of kidnapping and rape/penetrative sexual assault *qua* petitioner through her statement recorded under Section 183 of the BNSS, coupled with the fact that not even a single witness was examined during trial despite of the fact that petitioner remains in custody since 07.09.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Pipra Kothi P.S. Case No.145 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of



the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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

