

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29008 of 2025

Arising Out of PS. Case No.-121 Year-2024 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Sachin Mahto @ Kariya S/o- Upendra Mahto @ Upendar Mahto @ Gholat
Resident of Samsa W/ No- 13, P.S- Nawkothi, Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Phulhasan S/o- Md. Subhan Village- Samsa W.No-14, Ps- Naokothi Dist- Begusarai

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vinod Kumar Seth, Adv.
For the Opposite Party/s : Mr. Nagendra Prasad, APP
For the Informant : Mr. Keshav Bhardwaj, Adv.

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 07-08-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Nowkothi P.S. Case No. 121 of 2024 instituted for the offences

under Section 65(2) of Bhartiya Nyaya Sanhita, 2023 and

Section 5(m), 6 of the POCSO Act.

3. As per prosecution case, the accusation against the

petitioner is of committing forceful rape upon the Informant's

minor granddaughter.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner further submits from perusal of the medical report, it appears that there is no external injuries upon the victim and the medical board has found no evidence of recent sexual assault upon the victim. The doctor has also found no spermatozoa in the vaginal swab. He further submits that the petitioner has not been identified by the victim. The petitioner has no criminal antecedent and is languishing in judicial custody since 17.07.2024 without any rhyme or reason.

5. Learned counsel for the petitioner further submits that all the prosecution witnesses have been examined and the case is pending before the trial court at the stage of final argument.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl is minor. He further submits that the victim girl, in her statement recorded under Sections 180 and 183 of the B.N.S.S., has fully supported the prosecution case. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under



Sections 65(2) of the B.N.S. and Section 5(m)/6 of the POCSO Act.

7. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the fact that the trial is at the verge of conclusion and the same is at the stage of final argument, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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