

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30096 of 2025

Arising Out of PS. Case No.-237 Year-2024 Thana- MEDNI CHAUKI District- Lakhisarai

Mahendra Mahto S/O Late Mahavir Mahto Resident of Village- BanSHIPur
Basgada, P.S- Medani Chauki, Distt.- Lakhisarai, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radha Devi W/O Bablu Mahto R/O Village- BanSHIPur Basgada, P.S-
Medani Chauki, Distt.- Lakhisarai, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Shekhar Sharma, Adv.
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, Adv.
For the Informant	:	Mr. Manoj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 25-09-2025 Heard the parties.

2. The petitioner seeks bail in connection with Medani Chauki P.S. Case No. 237 of 2024 registered for the offence under Sections 64(1), 303(2), 115(2), 351(1), 3(5) of BNS and Section 4/6 of POCSO Act.

3. The petitioner is named in the F.I.R. and are in custody since 03.01.2025.

4. The allegation against the petitioner is to commit penetrative sexual assault/ rape upon the minor daughter of the informant aged about 8 years while she was sleeping on roof of her house. Petitioner is neighbor and cousin grandfather of the victim.



5. Learned counsel appearing on behalf of the petitioner submitted that out of local dispute and differences the petitioner was implicated falsely with such heinous allegations. It is pointed out that upon medical examinations no sign of penetrative sexual assault as alleged was found upon. It is submitted that certain injury mark was noticed upon face of victim which is out of physical assault as it is apparent from the statement of victim recorded under section 183 of BNSS and for said reason only, the petitioner was implicated with this case. It is also pointed out that the petitioner remains in custody for about 9 month, despite of same even victim could be examined in view of Section 35(1) of the POCSO Act, sufficient to suggest that the trial of this case is not likely to conclude within preferred timeline as provisioned under Section 35(2) of the POCSO Act. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Manoj



Kumar learned counsel for the informant could not disputed the statement of victim recorded under Section 183 of BNSS, where she primarily stated that she was physically assaulted by the petitioner.

7. In view of aforesaid factual submission and by taking note of fact as the statement of victim recorded under Section 183 of the BNSS primarily suggests that she received injury out of physical assault, coupled with fact that the victim could not examined by the learned trial court despite of custody of 9 month defeating the provisions of Section 35(1) of POCSO Act, and therefore, the trial is not likely to be conclude within preferred timeline of one year as provisioned under Section 35(2) of POCSO Act, accordingly petitioner above named, is directed to be released on bail in connection with Medani Chauki P.S. Case No. 237 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Addl. Session Judge VI cum Spl. Judge POCSO Act, Lakhisarai /concerned court, subject to the conditions as mentioned under Section 437(3) of the



Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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