

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38959 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- MAJHAULIA District- West Champaran

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Sujeet Mahto @ Sujeet Kumar S/o Nandlal Mahto R/o Village- Harpur, Ward
no. 17, Police Station- Majhauliya. District- West Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. [REDACTED] R/O Village- Harpur ward no. 17,
Police Station- Majhauliya, District- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Brij Kishor Mishra, Advocate
For the State	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Rahul Kumar Shukla, Advocate
		Mr. Shivam Kumar Deep, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 03-09-2025 Heard learned counsel for the petitioner, learned
counsel for the Informant and Mr. Umesh Lal Verma, learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 65(2) and
3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred
to as ‘B.N.S.’) and under Sections 4 and 6 of the Protection of
Children From Sexual Offences Act (hereinafter referred to as
the ‘POCSO’ Act).

3. The case of the prosecution is that the petitioner
along with one other has committed rape with minor daughter of



the Informant aged about 11 years.

4. Learned counsel for the petitioner has submitted that during course of investigation medical examination of the victim was conducted and the Doctor has opined that there is no recent sign of sexual assault. The petitioner is a man of clean antecedent and is in judicial custody since 06.02.2025.

5. Learned counsel for the Informant is present. He has submitted that during investigation the victim has given her statement under Section 183 of the BNSS wherein she has supported the occurrence and has categorically stated that the petitioner and one Rangeela committed rape with her. Learned counsel for the Informant has also brought notice of this Court that from perusal of the medical report it will transpire that Doctors have found hymen ruptured though opinion of the Doctor is that there is no recent sign of sexual assault but this opinion does not match with the objective finding which has been given in the medical examination.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, I am not inclined to grant bail to the petitioner, hence his prayer for bail is rejected.

7. Learned trial court is directed to conclude the trial



within the statutory period as provided under the POCSO Act.

(Ashok Kumar Pandey, J)

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