

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41117 of 2025

Arising Out of PS. Case No.-334 Year-2023 Thana- SALAKHUA District- Saharsa

Sunil Kumar Mahto S/O Anil Mahto @ Anil Mahato R/O Village- Badshah Nagar, P.S- Salkhua (O.P. Banma Itahri), District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandrika Devi W/O Suresh Mahto R/O Village- Badshah Nagar, P.S- Salkhua (O.P. Banma Itahri), District- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nagendra Upadhyay, Advocate
		Mr. Maya Shankar Mishra, Advocate
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-08-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with POCSO Case no.61 of 2023, arising out of Salakhua (Banma Itahari) P.S. Case no. 334 of 2023 registered under sections 366A and 34 of the Indian Penal Code and sections 4 and 8 of the POCSO Act.

3. As per the prosecution case, the 17 year old minor daughter of the informant disappeared. On search, the informant states that it transpired that the petitioner had kidnapped her.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 14.3.2024 (Annexure-P/1) passed in Cr. Misc. no.14650



of 2024. It is submitted that the petitioner has been falsely implicated in the case. In fact, the daughter of the informant is a major and had gone with the petitioner out of her own volition. The petitioner has remained in custody since 19.10.2023, however as per instructions received, examination of prosecution witnesses is still not over and therefore there is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial and to abide by all the conditions which may be laid by this Court for his release on bail.

5. The application for bail is opposed by learned A.P.P. for the State who submits that in a case registered under sections 366A and 34 of the Indian Penal Code as also under sections 4 and 8 of the POCSO Act, the minor daughter of the informant has supported the allegations against the petitioner not only in her statement under section 164 of the Cr.P.C. but also in course of trial. The trial is near completion with five out of six charge-sheet witnesses having been examined.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 3.7.2025 of the learned Special Judge, POCSO, Saharsa, charge was framed on 29.2.2024 and five prosecution witnesses have been



examined and discharged out of a total of six witnesses of the charge-sheet. The learned judge further states that if the prosecution cooperate in the trial and adduce evidence, the trial will be concluded shortly.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., the victim having supported the allegations in her statement under section 164 of the Cr.P.C. as also during trial and the trial having neared its conclusion, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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