

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61317 of 2025**

Arising Out of PS. Case No.-361 Year-2025 Thana- MOTIHARI TOWN District- East  
Champaran

=====

Amarjeet Mahto, aged about 30 years, Gender- Male, son of Chandra Shekhar Mahto, resident of Village- Kirathpur, P.S.- Bhagwanpur, District- Begusarai. At Present residing at Kotla Mubarakpur, P.S. and District- South Delhi (New Delhi)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Sunita Devi, aged about 63 years, Female, wife of Ram Jinish Prasad Yadav, resident of Village- Agarwa, Mohalla Ward no. 32, PS- Town, Dist- East Champaran

... .. Opposite Party/s

=====

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Bijay Prakash Singh, Advocate |
| For the State        | : | Mr. Md. Nazir Ansari, APP         |
| For the OP NO.2      | : | None                              |

=====

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

5      10-12-2025                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Earlier, notice was issued to the opposite party no.2  
and a *vakalatnama* has been filed on behalf of the opposite party  
no.2, but nobody appears on her behalf.

3. The petitioner seeks bail in connection with Town  
PS Case No.361 of 2025 dated 03.05.2025, instituted for the  
offence punishable under Sections 137(2), 65(1) and 96 of the  
*Bharatiya Nyaya Sanhita*, 2023 and Sections 4/8 of the  
Prevention of Children from Sexual Offences Act.



4. The informant alleges that on the alleged date of occurrence she and others family members went to sleep after dinner. When she woke up in the morning, she came to know that her minor grand-daughter is not in the house. Upon enquiry, she got information from the renter that he had seen her grand-daughter going outside the house at 5.00 AM in the morning.

5. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. The allegation whatsoever levelled against the petitioner is completely false and fabricated. There is no specific and direct allegation against the petitioner. Further submission is that the statement of the victim has been recorded under Section 183 of the *Bharatiya Nagrik Suraksha Sanhita*, 2023, and she has clearly stated that she left the house herself. She has not levelled any specific allegation against the petitioner. Lastly, it is submitted that the petitioner is in custody since 14.05.2024 having clean antecedents.

6. Learned APP has opposed the prayer for bail.

7. The case diary along with statement of the victim recorded under Section 183 of the *Bharatiya Nagrik Suraksha Sanhita*, 2023, has been received. Statement of the victim has been recorded under Section 180 as well as 183 of the *Bharatiya Nagrik Suraksha Sanhita*, 2023. The victim in her



statement(s) has stated that she left the home herself and went to Delhi out of her own will.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 6<sup>th</sup> District and Additional Sessions Judge-cum Exclusive Special Judge, POCSO Act, East Champaran, Motihari, in Town PS Case No.361 of 2025.

9. The application stands allowed.

**(Khatim Reza, J)**

J. Alam/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

