

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62527 of 2025

Arising Out of PS. Case No.-344 Year-2025 Thana- RAHUI District- Nalanda

Bindeshwar Mahto @ Bindeshwar Prasad @ Vindeshwar Mahto @ Vineshar Mahto S/o Late Yadunandan Mahto R/O- Basanpur, PS- Rahui, District- Bihar Sharif, Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX XXXX R/O- Basanpur PS- Rahui District- Bihar sharif

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Anil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 19-11-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Rahui P.S. Case No. 344 of 2025 instituted for the offences under Sections 65(2) of the Bharatiya Nyaya Sanhita, 4/6 of the POCSO Act and Sections 3(1)(r), 3(1)(s), 3(1)(w) of the SC/ST Act.

3. Allegation against the petitioner is of commission of rape upon the informant's five year old daughter.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the



present case due to personal grudge. Learned counsel further submitted that petitioner never committed the offence as alleged in the FIR. Learned counsel further submitted that the father of the victim refused the victim to undergo medical examination. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.06.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that victim in her statement recorded under Section 183 of the BNSS has corroborated the contents of the FIR and, therefore, the petitioner does not deserve to be released on bail. It is further submitted that prior to recording the statement of the five-year-old victim under Section 183 BNSS, the learned Magistrate conducted a preliminary assessment to ensure that she possessed sufficient understanding and was competent to make a voluntary and intelligible statement.

6. Considering the aforesaid facts and circumstances of the case, Section 183 BNSS statement of the victim as also nature and gravity of offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the



petitioner is, hereby, rejected.

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

(Rudra Prakash Mishra, J)

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