

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67103 of 2025

Arising Out of PS. Case No.-125 Year-2025 Thana- BIND District- Nalanda

Awadh Mahto @ Awadh Prasad, Male, aged about 60 years, S/o- Late Daroga Mahto, R/O Vill- Amawan, P.S- Bind, Dist- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Jyoti Kumari, Advocate
For the Opposite Party : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-12-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bind P.S. Case No. 125 of 2025 dated 10.06.2025 registered for the offence punishable under Section 64 of the B.N.S., 2023.

3. As per the prosecution case, the petitioner was committing rape on the daughter of the informant aged 60 years who is mentally unsound.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is 60 years old and he has no concern with the alleged offence. It is further submitted that as a matter of fact the petitioner's son, namely, Chandan



Kumar @ Chandan Mahto is a witness in Bind P.S. Case No. 23 of 2019 registered for the offences punishable under Section 366A read with Section 34 of the I.P.C. which was registered against the *Jauat* of the informant of the present case, namely, Bundela Devi. It is further submitted that the victim herself refused to be medically examined by the doctor. Hence, no case under Section 64 of the B.N.S., 2023 is made out in absence of medical report. It is further submitted that where the allegation made in the F.I.R. even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the petitioner. It is further submitted that after investigation, charge sheet has already been submitted in the present case. It is further submitted that while the petitioner was committing rape on the victim, the victim has not raised any alarm rather her mother i.e., the informant has raised alarm. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 11.06.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above



named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Biharsharif, Nalanda in connection with Bind P.S. Case No. 125 of 2025 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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