

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17960 of 2026

Arising Out of PS. Case No.-493 Year-2024 Thana- MADHAURAH District- Saran

Ritesh Mahto, Son of Bhagwan Mahto, R/o Village- Pakaha P.S.- Marhaura District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan, Adv.

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 15-05-2026 This is second regular bail application on behalf of petitioner. Earlier, his application for grant of bail was rejected by this Court *vide* order dated 22.05.2025 passed in Cr. Misc. No. 9646 of 2025.

2. Heard the learned counsel for the petitioner and the learned Addl. Public Prosecutor for the State.

3. The petitioner, who is in custody, seeks bail in connection with Marhaura P.S. Case No. 493 of 2024 registered for the offence(s) punishable under Section(s) 64 of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.) and Section(s) 67(A) of the Information Technology Act.

4. The petitioner is alleged to have committed rape upon the informant and had also recorded a video, which was deliberately made viral.



5. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of the fact that there is dispute with regard to drainage between his family and the family of the informant, being next door neighbours. It has been submitted that the petitioner has been made a scapegoat and only to settle personal scores, he has been falsely implicated in this case. It has further been submitted that the allegation upon the petitioner that he had made a video and had also made it viral is not supported by any evidence, which was collected during the course of investigation. It has been pointed out that the police has not collected any IP address or any detail as to the device from which the said video was made viral and barring a pen drive, which was provided to the learned Court below, there is nothing on record to suggest that it was the petitioner who had made the video viral. It has been vehemently argued that unless the veracity of the video is tested, the same cannot be relied upon.

6. The learned counsel for the petitioner has also submitted that the informant/victim had not taken the name of any other person to be present at the time of occurrence. However, the police, during course of investigation, recorded a so-called *beyan* of the petitioner, wherein he has taken the



names of two persons, namely, Munnu Kumar and Sujit Kumar, who are said to have recorded the said video.

7. Referring to the medical examination report of the victim/informant, it has been submitted by the learned counsel for the petitioner that the report suggest that no spermatozoa was seen and there was no evidence of recent sexual intercourse at the time of the examination. It has also been argued that the incident is said to have taken place on 19.08.2024, however no report was lodged with the police immediately after the so-called incident and, ultimately, in a pre-planned manner a typed application was prepared and the FIR was finally lodged on 31.08.2024 and no explanation for such delay has been given in the said application.

8. The learned counsel for the petitioner has further pointed out that the police, during the course of investigation, had not procured any CDR, which would also throw some light on the presence of the petitioner at the place of occurrence. It has lastly been submitted that the petitioner has clean antecedent and he is in custody since 01.09.2024.

9. The learned Addl. Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that during the course of investigation, the petitioner has admitted



his involvement in the said crime and has also taken the names of the other co-accused persons, who had recorded the video of the said incident and also made it viral.

10. This Court had called for a report *vide* order dated 01.05.2026 with regard to the stage of the trial in compliance of which, the learned Trial Court has submitted a report dated 07.04.2026, stating that as per the *charge-sheet*, there are six witnesses named. However, till date, not a single prosecution witness has been examined. It has been pointed out that summons and bailable warrants against the non-official witnesses have also been issued.

11. Regard being had to the facts and circumstances of the case and taking note of the fact that the trial has yet not progressed in the present case and the petitioner is in custody since 01.09.2024, let the petitioner, above-named, be released on bail on his/her furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Marhaura P.S. Case No. 493 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his/her close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present



before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the concerned Court.

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his/her bail bonds.

(v) The petitioner shall refrain from approaching the victim/informant or her family members till the pendency of the trial.

(vi) The concerned Court shall verify the criminal antecedents of the petitioner and in case, at any stage, it is found that he/she has concealed his/her criminal antecedents, the Court concerned shall take necessary steps for cancellation of his/her bail bond. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

12. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

13. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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