

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58194 of 2025

Arising Out of PS. Case No.-323 Year-2024 Thana- HARNAUT District- Nalanda

Kush Kumar Son of Shri Gurucharan Mahto Village- Dihra PS -Harnaut
District -Nalanda Bihar Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi son of Late Ramadhin Mahto Village- Dihra PS -Harnaut
District -Nalanda Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 05-01-2026 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Harnaut P.S. Case No. 323 of 2024 (POCSO Case No. 123 of
2024), registered for the offences punishable under Sections 65(2)
of the BNS and Sections 4/6 of the POCSO Act.

3. As per the FIR, on 13.08.2024, while the informant,
minor in age, went outside for attending natures call, the petitioner
caught informant, pressed her mouth and committed rape upon her.
When the informant raised alarm, the petitioner fled away. It has
further been alleged that after coming into the knowledge, when
the informant's mother went to the house of the petitioner to
enquire about the same, she was abused by the petitioner.

4. The learned counsel for the petitioner has submitted
that neither the victim nor her mother supported the prosecution



case during the trial. The mother of the victim was examined as PW-2, whereas the victim herself was examined as PW-4. The victim stated in her deposition that she did not identify the person who committed the misdeed with her. The petitioner was produced for identification through video conferencing, but the victim could not identify him, which transpires from paragraph no. 6 of her deposition. The petitioner has been in custody since 27.01.2025.

5. Considering the above-mentioned facts and circumstances, let the petitioner above-named, is directed to furnish bail bond and on doing so, the court below shall release the petitioner on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-IV-cum-Special Judge (POCSO), Bihar Sharif, Nalanda in connection with Harnaut P.S. Case No. 323 of 2024, subject to the following conditions that the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

6. **The petitioner shall cooperate in the disposal of trial and make himself available on each and every date till conclusion of the trial.**

(Nawneet Kumar Pandey, J)

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