IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65799 of 2026

CNR No. BRHC010940392026

Arising Out of PS. Case No.-255 Year-2024 Thana- GHANSHYAMPUR District- Darbhanga

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Deepak Kumar Mahto @ Deepak Mahto @ Deepak Kumar S/o Bhola Mahto Resident of Village and P.O - Pali (wrongly mentioned as Ghanshyampur in place of Pali in the impugned order), Police Station - Ghanshyampur, District - Darbhanga

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXX D/o YYY R/o Village and Post - Pali, P.S - Ghanshyampur, District - Darbhanga

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.
For the Opposite Party/s : Mr. Amitesh Kumar, APP
For the Informant : Mr. Sumit Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

3 05-11-2026 Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the Informant.

2. This is an application for regular bail to the petitioner who has been made accused in connection with Ghanshyampur P.S. Case No. 255 of 2024 registered for the offences punishable under Sections 115(2). 126(2), 76, 352, 351(2) and 3(5) of the BNS and under Section 8 of the POCSO Act.

3. As per the prosecution case, co-accused Manish

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Kumar Mahto knocked victim down and committed rape while the petitioner held her mouth shut to prevent her from crying. When the victim's parents confronted the accused family about going to the police station, the other accused persons hurled abuses and threatened to kill the entire family.

4. Learned counsel for the petitioner submits that petitioner is quite innocent, has committed no offence and has falsely been implicated in this case due to an ongoing land dispute and enmity, and no such occurrence took place. During the investigation, independent witnesses and the Call Detail Record (CDR) established that the petitioner was continuously in Delhi NCR for his livelihood on the date of occurrence.

5. It is further submitted that there is an unexplained, inordinate delay of more than a month in lodging the FIR despite the police station being only 1.5 kilometers away from the house of the informant. It is submitted that the Investigating Officer has submitted a final form classifying the case as false against the petitioner, and no allegation of rape is attributed to him. Petitioner has clean antecedent and is languishing in judicial custody since 06.08.2026.

6. I have perused the statement of victim recorded under Section 183 of the BNSS in which she has stated that she

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is aged about 17 years and alleged that co-accused, Manish Kumar @ Manish Kumar Mahto has committed rape upon her whereas this petitioner held her mouth shut. The medical report also does not support the case of the prosecution.

7. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the statement of victim under Section 183 of the BNSS, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO Act), Darbhanga/concerned court in connection with Ghanshyampur P.S. Case No. 255 of 2024, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the court on that date.

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(iii) if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Kumar Manish, J)

Abhishek/-

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