

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69639 of 2025

Arising Out of PS. Case No.-740 Year-2024 Thana- MAJHAULIA District- West Champaran

Pappu Kumar Mahto S/o Ramyad Mahto Resident of village- Dudha Mathiya,
Ward no-2, P.s.- Majhauliya, District- West Chamapran, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anisha Sharma W/o Sandip Sharma R/o vill - Dudha Mathiya, ward no. 2,
P.s.- Majhauliya, Distt.- West Champaran, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Mohan

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

5 11-03-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 65(2) of the B.N.S. and
Section 4/6 of the POCSO Act.

3. Petitioner is said to have committed rape with the
minor daughter of the victim.

4. Learned counsel for the petitioner has submitted
that the petitioner has been made an accused in the present case
on account of some enmity and he was only engaged in some
agricultural work on the date of occurrence. It has further been
submitted that the medical examination also does not show any
sign of sexual assault and during the trial also both prosecution



witnesses, the informant and the victim have not supported the case of the prosecution and have been declared hostile. Further, the petitioner is in custody since 12.12.2024 with no criminal antecedent.

5. Learned APP for the State has opposed the application for bail on the ground that the victim is a six year old girl and she had originally supported the case of the prosecution in her statement under Section 183 of the B.N.S.S.

6. A report had been called for with regard to the stage of the case and the same indicates that four out of six prosecution witnesses have been examined but yet the court has sought for another six months time for concluding the trial.

7. Taking into consideration the facts and circumstances and also considering the fact that neither the informant nor the victim has supported the prosecution case during trial and the petitioner has already remained in custody since 12.12.2024 with no criminal antecedent, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees 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 Majhuliya P.S. Case No. 740 of 2024, subject to the conditions



that:

(I) One of the bailors will be mother of the petitioner.

(II) The petitioner shall appear on each and every date till conclusion of trial and if the petitioner does not appear without any substantial and satisfactory reason, the learned court below would be at liberty to cancel his bail bonds.

(Soni Shrivastava, J)

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