

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72278 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- GHOSWARI District- Patna

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Rajo Mahto @ Lav Kashyap @ Raja Mahto, S/o Madho Mahto @ Radha
Mohan Kashyap, R/o Village-Karkayin, P.S.- Ghoswari, District- Patna
... .. Petitioner

Versus

1. The State of Bihar
 2. Munni Devi, W/o Vinod Thakur, R/o Village-Karkayin, P.S.-Ghoswari,
District- Patna
- Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Senior Advocate with Ms. Sakshi Deep, Advocate Mr. Rakesh Singh, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 25-02-2026 Heard learned senior counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Special POCSO Case No.57 of 2025 arising out of

Ghoswari P.S. Case No.16 of 2025 registered for the offences

punishable under Sections 126(2), 74, 75(1), 77, 65(1),

351(2) read with 3(5) of the Bhartiya Nyaya Sanhita, 2023

(for short 'B.N.S.') as well as Sections 4, 8 and 12 of the

Protection of Children from Sexual Offences Act, 2012 (in

short 'POCSO Act').

3. The accused/petitioner is named in the FIR and



is in custody since 05.06.2025.

4. As per FIR, the petitioner committed penetrative sexual assault upon minor daughter of the informant aged about 16 years.

5. Mr. Krishna Prasad Singh, learned senior counsel appearing for the petitioner submitted that the petitioner has been implicated with this case due to local village politics. In support of his submission, it is pointed out by Mr. Singh that the victim was medically examined on very next day of the occurrence but, no injury in or around her private part was found. It is submitted that petitioner is in custody since 05.06.2025 and in last six months, only single prosecution witness was examined in this case, suggesting that the trial would not conclude in near future.

6. Learned APP while opposing the prayer for bail submitted that the victim alleged petitioner specifically as to commit rape/penetrative sexual assault in terms of her statement as recorded under Section 183 of the BNSS. It is submitted that the non-finding of injury does not lead to conclusion *ipso facto* that rape/penetrative sexual assault was



not committed upon her, as rape is a legal finding and not a medical one. It is submitted that charge in this matter was framed on 31.07.2025 and further, the time period nowhere suggest that even any legal right accrued in terms of Section 35(2) of the POCSO Act in favour of petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as victim has specifically stated against this petitioner as to commit rape upon her through her statement recorded under Section 183 of the BNSS, accordingly, the prayer of bail of petitioner stands rejected, for the present.

8. As petitioner remains in custody since 05.06.2025, therefore, the learned trial court is directed to conclude the trial preferably within nine months, failing which the petitioner may renew his prayer of bail, if so advised.

(Chandra Shekhar Jha, J.)

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