

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77397 of 2025

Arising Out of PS. Case No.-738 Year-2023 Thana- SONEPUR District- Saran

Bilat Mahto @ Vilat Mahato@ Bital Mahto S/o Late Karamu Mahto R/o
Village- Kalyanpur, PS- Sonpur, Distt- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX S/o-YYY R/o vill - Kalyanpur, ward no. 1, P.S- Sonpur, Distt.- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Prasad Verma, Advocate
For the State	:	Mr. Madan Kumar, APP
For the O.P. No.2	:	Mr. Pramod Ban Bihari Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 23-02-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no.2.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 354, 354(D), 341 and
342 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, the petitioner is
alleged to have committed rape upon the daughter of the
informant.

4. Learned counsel for the petitioner submits that
the First Information Report has been lodged after a delay of
four days with an oblique motive to implicate the petitioner
since the parties, who were neighbours, were having a land
dispute. It is further submitted that there is no witness during



the course of investigation who saw the aforesaid incident. Moreover, the allegations in the F.I.R. and the statement of the victim under Section 164 of the Cr.P.C. do not indicate any sexual assault. The petitioner is 63 years old man and is in custody since 20.01.2025 with no criminal antecedent and till date even charges have not been framed.

5. Learned APP for the State and learned counsel for the opposite party no.2 have opposed the grant of bail on the ground that the victim is 7 years old girl, who was subjected to ill-treatment by the petitioner, as such, he does not deserve privilege of bail.

6. Taking into consideration the facts and circumstances and considering the fact that the allegations are not to the extent of committing any sexual assault, coupled with the fact that despite lapse of more than one year, even the charges have not been framed indicating no likelihood of conclusion of trial in near future, let the above named petitioner, be released 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 Exclusive Special Judge-VIth, Court (POCSO) at District-Saran, Chhapra/concerned Court below in connection with Sonpur



P.S. Case No. 738 of 2023 subject to condition that:-

(i) The petitioner shall remain physically present in court on each and every date fixed in the case and also cooperate in getting the charge framed in case same has not been framed, failing which his bail bonds shall be liable to be cancelled by the learned court concerned.

7. However, considering the present case to be one under the POCSO Act, the learned Trial Court is directed to expeditiously proceed in the case.

(Soni Shrivastava, J)

anand/-

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