

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81433 of 2025

Arising Out of PS. Case No.-149 Year-2017 Thana- COMPLAINT CASE - MASAUHRI
District- Patna

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Mahesh Mahto Son of Ramu Mahto R/O Village - Satpersa, P.S.- Dhanarua,
District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O Y R/O Vill.- Satparsa, P.S.- Masaurhi, Dist.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheonandan Pandit, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 27-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 323, 504, 354(b), 376, 511 of Indian Penal Code and Section 27 of the Arms Act but cognizance was taken under Section 323, 376 and 511 of the Indian Penal code.

3. The case of the prosecution on the basis of complaint petition is that the complainant has gone to ease herself on 24.04.2017 at 7:30 PM with her sister. At that time, the petitioner reached there and caught her hand and misbehaved with her and also attempted to rape with her. When the complainant and her sister raised alarm, he fled from there.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that in this case, learned trial court has taken cognizance under Sections 323, 376 and 511 of IPC. During course of enquiry, the complainant has given her statement on solemn affirmation (S.A.) and has stated that when she has gone to ease herself with her sister, the petitioner has caught her hand and started pulling her hand with ill will. The sister of the complainant informed to her parents and as the villagers arrived there, the petitioner fled from there. Learned counsel for the petitioner has further submitted that from perusal of the statement of the victim on S.A., it is clear that there is no allegation of committing rape. It is very strange that without any allegation of rape, learned trial court has taken cognizance under Section 376 of the IPC as well. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 13.07.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is



inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Complaint Case No. 149(C)/2017 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Masaurhi, Patna.

(Ashok Kumar Pandey, J)

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