

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85663 of 2025

Arising Out of PS. Case No.-325 Year-2024 Thana- DESARI District- Vaishali

Suraj Kumar @ Kallu S/O Sanjay Mahto Resident of Village- Sahdai Buzurg,
Police Station- Sahdai, District-Vaishali (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Urmila Devi Wife of Late Garibnath Mahto Resident of Village- Sahdai Buzurg, Police Station- Sahdai, District-Vaishali (Bihar).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Adv.
For the State	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Ms. Akanksha Malviya, Adv. (PHLSC)

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

5 01-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Desari P.S. Case No. 325 of 2024 registered for the offences punishable under Sections 65(2), 352, 351(2), 351(3) and 3(5) of the BNS read with Sections 4 and 6 of the POCSO Act.

3. As per the prosecution story, the informant has alleged that the petitioner has committed rape with her grand-daughter who is aged about 10 years on the pretext of playing hide and seek.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this fabricated case due to ulterior motive and dirty village politics. From bare perusal of F.I.R., it is apparent that the alleged occurrence took place on 29.08.2024 but the said F.I.R. was lodged on 20.09.2024 after delay of about 22 days, which clearly shows malafide intention of the prosecution. Petitioner is in custody since 11.12.2024 and a statement has been made in para 3 of the bail application that petitioner has clean antecedent.

5. Learned A.P.P. appearing on behalf of the State as well as Ms. Akanksha Malviya, learned counsel appearing on behalf of informant, on the instruction of Patna High Court Legal Services Committee, have vehemently opposed the prayer for bail of the petitioner.

6. In case diary, statement of the victim recorded under Section 183 of BNSS has been annexed in which she has categorically stated about the manner in which the alleged occurrence took place. It has also come that petitioner threatened her to kill if she disclosed about this occurrence to anyone.

7. In compliance of the order dated 02.02.2026, the report of learned trial court has been received in which it is



mentioned that trial is likely to be concluded in four months and most of the witnesses have been examined.

8. Having regard to the aforesaid facts, the gravity of the offence, and the report of the learned Trial Court, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail is rejected.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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