

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15711 of 2025

Arising Out of PS. Case No.-40 Year-2023 Thana- KISHANPUR District- Supaul

Lalit Yadav @ Lalit Narayan Yadav S/O Mishrilal Yadav R/O Village -
Murli, Ward No.- 05, P.S- Bhaptiyahi, Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bachha Yadav S/O Fekan Yadav R/O Village - Sukhasan, Ward No.- 02, P.S-
Kishanpur, Dist- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP
For the Informant	:	Mr. Arun, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 31-07-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State. Perused
the case diary.

2. The petitioner seeks bail in connection with POCSO
Case No. 8 of 2025, arising out of Kishanpur P.S. Case No. 40
of 2023 instituted for the offences under Sections 341, 364,
366, 366A, 34, 376, 120B of the Indian Penal Code and Section
4 of the POCSO Act.

3. Accusation against the accused persons is of
kidnapping the victim girl with intention of trafficking.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the



present case. Petitioner is not named in the F.I.R. and the name of the petitioner was added as accused according to the statement of the victim girl recorded under Section 164 of the Cr.P.C. Learned counsel further submitted that initially, complaint case was filed by the complainant and later on, under the provisions of Section 156(3) of the Cr.P.C. the matter was referred to the police and consequently, the FIR was registered. Learned counsel further contended that even from the perusal of the complaint petition itself, it is quite apparent that the marriage of the victim had solemnized 3 years prior to the occurrence and from the said wedlock, she was blessed with two children, then how and in which manner she was declared and treated as minor for taking this case under the POCSO Act. Learned counsel further submitted that from perusal of the entire material, it is crystal clear that this petitioner had no role to play in the alleged occurrence, rather he has been made accused in this case due to the reason that he happens to be the father of the co-accused, namely, Nandan Yadav. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.01.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to



the petitioner. Learned APP further submitted that the statement of the victim recorded under Section 164 of the Cr.P.C. discloses direct and specific allegations against the petitioner attracting the essential ingredients of the offence punishable under Section 366A of the Indian Penal Code. Learned counsel for the informant further submitted that victim in her Section 164 Cr.P.C. statement has supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances of the case as also there being specific material of offence under Section 366A of the I.P.C. in the statement of the minor victim recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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