

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16282 of 2025

Arising Out of PS. Case No.-472 Year-2024 Thana- BRAHMPUR District- Buxar

Upendra yadav S/o- Hare Ram Yadav @ Tengar Yadav Village- Eakdar Ps-
Nanijor Brahampur Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Bhagwan Yadav S/o- Ram Chandra Yadav Village Po- Balua Ps-
Brahampur Dist- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 07-08-2025 Heard the parties.

2. The petitioner seeks bail in connection with Brahampur P.S. Case No. 472 of 2024 registered for the offences under Sections 137(2), 96, 3(5) of BNS and Section 8 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 05.12.2024.

4. The allegation against the petitioner is to kidnap the minor daughter of the informant for the purpose of illicit intercourse/ marriage.

5. Learned counsel appearing on behalf of the petitioner submitted that after recovery, the



statement of victim was recorded under Section 183 of BNSS where she completely negated the allegation of sexual assault. It is submitted that the statement further reveals that victim was acquainted with petitioner and they were in talking terms on regular basis out of which, both went together to Himachal Pradesh. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. It is further submitted that despite of the fact as petitioner is in custody for about 9 months, not even a single witness has been examined in this case which appear defeating the provisions of Section 35(1) of the POCSO Act and also trial is not likely to be concluded within prescribed time period as per provisions under Section 35(2) of POCSO Act.

6. Learned APP opposes the prayer of bail.

7. None appeared on behalf of the informant despite service of notice.

8. In view of aforesaid factual submissions



and by taking note of fact as victim completely negated the allegation of sexual assault against petitioner through her statement recorded under section 183 of BNSS, coupled with the fact that charge-sheet has already been submitted where petitioner remains in custody since 05.12.2024, accordingly petitioner above named, is directed to be released on bail in connection with Brahampur P.S. Case No. 472 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District Judge VI cum Special Judge, POCSO, Buxar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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