

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17971 of 2025

Arising Out of PS. Case No.-336 Year-2022 Thana- KOTWA District- East Champaran

Dinesh Yadav @ Petu Yadav Son of Late Babulal Rai @ Babulal Yadav
Resident of Village -Karariya Jagir, P.S. - Kotwa, District - East Champaran.
... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kanti Devi Wife of Jitendra Das Resident of Village -Karariya Bairagi Tola,
P.S. - Kotwa, District - East Champaran.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 11-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Spl PP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Kotwa

P.S. Case No. 336/2022, registered for the offence under Sections

363, 366(A), 372, 34 of the Indian Penal Code and Section 8, 12

of POCSO Act and Sections 3(2)(v) of the SC/ST (POA) Act

3. The accused/petitioner is named in the F.I.R. and is

in custody since 04.01.2025.

4. The allegation against petitioner is to kidnap the

minor daughter of the informant, aged about 15 years for the

purpose of illicit intercourse/marriage.

5. Learned Counsel appearing on behalf of the petitioner

submitted that the victim after recovery recorded her statement



under Section 183 of the BNSS, where she completely negate the allegation of rape/penetrative sexual assault and kidnapping, rather she categorically stated that she went her own sweet will alongwith petitioner and solemnized their marriage. It is submitted that upon radiological examination, the victim found major i.e. between 18-19 years and, therefore, the lodging of this case under POCSO Act also appears bad in eye of law. While concluding argument, it is submitted that there is no progress in trial since last eight months and, therefore, same is also not likely to conclude within prescribed time period, in view of Section 35(2) of the POCSO Act. It is also submitted that petitioner is a man of clean antecedent.

6. Learned APP duly assisted by learned counsel Mr. Ashok Kumar, appearing on behalf of the informant, while opposing the prayer of bail submitted that the allegation against this petitioner is specifically as to kidnap the minor daughter of the informant.

7. Considering the aforesaid factual submissions and by taking note of the statement of the victim as recorded under Section 183 of the BNSS, where she completely negate the allegation of rape and kidnapping, coupled with fact that petitioner remains in custody since 04.01.2025 suggesting *prima facie* that



trial is not likely to conclude within preferred time period as prescribed under Section 35(2) of the POCSO Act, accordingly, petitioner above named, is directed to be released on bail in connection with Kotwa P.S. Case No. 336/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Session Judge-cum-Ex. Special Judge POCSO Act, East Champaran, Motihari/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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