

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17939 of 2025

Arising Out of PS. Case No.-243 Year-2024 Thana- MAJHAULIA District- West Champaran

Nagendra Yadav S/o Babulal Yadav R/o Village- Rulahi, PS- Majhauriya,
District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sushila Devi W/o Suresh Sahani R/o vill - Lal Saraiya, P.S.- Majhauriya,
Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aditya Nath Jha, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Arwind Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. Petitioner is in custody in a case registered for the
offence under Sections 363, 366A/34 of the IPC and Section 8
of POCSO Act.

3. As per the prosecution case, on 20.03.2024, when
the daughter of the informant went to attend the call of nature
but she did not returned after which he searched the victim girl a
lot and then she came to know that the accused Antima Devi
instigated the victim to flee away and on enquiry, she accepted
that victim girl will return as soon as possible but she did not
returned.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that from perusal of the statement of the victim recorded under Section 161 Cr.P.C., the victim has stated before the Investigating Officer that she was in friendship with the Nagendra Yadav (petitioner) since one year and that's why she went with him and after getting knowledge that a case has been lodged against the petitioner, she returned. He further submits that the victim girl has given contradictory statement as in statement recorded under Section 161 Cr.P.C, she has stated that there is no allegation of sexual assault upon her and from perusal of statement recorded under Section 164 Cr.P.C somewhere she has stated that petitioner pressurized her to go with him. He next submits that petitioner is in custody since 17.11.2024 and has got no criminal antecedent as stated in para-3 of the bail petition.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail of the petitioner.

6. On perusal of the First Information Report, case diary and impugned order dated 30.11.2025, it appears that there is no allegation of sexual assault upon the victim by the



petitioner, which is evident from statement recorded under Section 161 Cr.P.C and also the fact that both the parties have admitted that petitioner as well as victim had got married with each other and she is residing with the petitioner as husband and wife and also the fact that victim in her statement recorded under Section 161 Cr.P.C has stated that her age is 18 years. So, considering all aspects of the case and submission of learned counsel for the petitioner, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-cum-Additional District Judge-VI, Wesht Champaran at Bettiah in connection with Majhauriya P.S. Case No.243 of 2024.

(Ramesh Chand Malviya, J)

Harshita/-

U		T	
---	--	---	--

