

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21274 of 2025**

Arising Out of PS. Case No.-141 Year-2024 Thana- BANGAWON District- Saharsa

1. Dilkhush Kumar @ Dilkhush Yadav S/O Surendar Yadav Resident of village- Sundarvan Bharna, Ward No. 10, Murli Basantpur, Bangaon, District- Saharsa.
2. Mankhush Yadav @ Mankhush Kumar S/O Surendar Yadav Resident of village- Sundarvan Bharna, Ward No. 10, Murli Basantpur, Bangaon, District- Saharsa.
3. Deepak Yadav @ Deepak Kumar S/O Shivnandan Yadav R/O Village- Sunderwan, Ward No. 09, P.S- Mahishi (Pasatwar), Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                     |   |                            |
|---------------------|---|----------------------------|
| For the Petitioners | : | Ms. Rashmi Jha, Advocate   |
| For the State       | : | Mr. Nitya Nand Tiwary, APP |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      12-05-2025                      Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 118(1), 75, 76, 303(2), 351(2) and 3(5) of the B.N.S..

3. As per prosecution case, informant, namely Sarita Devi, alleged that on 01.10.2024 at about 9 AM, her 15 year old daughter had gone to cut grass in the meantime, seeing her alone, Petitioner Nos. 1 and 2 misbehaved with her and sexually abused her causing mental and physical discomfort.

4. It is submitted by learned counsel appearing on



behalf of the petitioners that petitioners are quite innocent and have falsely been implicated in this case due to village politics. The present F.I.R. has been lodged after inordinate delay of 7 days and there is no plausible explanation for the same. There is no specific accusation of sexual assault against Petitioner No. 3. Petitioner No. 3 claims clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R. with specific accusation that Petitioner Nos. 1 and 2 misbehaved with minor daughter of informant. Petitioner Nos. 1 and 2 have also got one criminal antecedent.

6. Considering the specific and direct nature of accusation and criminal antecedent of the petitioners, the prayer for grant of anticipatory bail to Petitioner Nos. 1 and 2 is rejected.

7. So far as Petitioner No. 3 is concerned, considering the fact that there is no specific accusation of sexual assault and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to Petitioner No. 3 is allowed.

8. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named



Petitioner No. 3 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Saharsa in connection with Bangaon P.S. Case No. 141 of 2024, subject to conditions as laid down under Section 482(2) of the B.N.S.S..

9. With the aforesaid directions, this application stands disposed of.

**(Prabhat Kumar Singh, J)**

shashank/-

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