

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30733 of 2025

Arising Out of PS. Case No.-179 Year-2024 Thana- KASHICHAK District- Nawada

Ujay Yadav @ Uday Kumar @ Ajay Yadav S/o- Jagdish Yadav Resident Of
Village- Uprawan Ps- Kashichak District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonam Kumari D/o- Ajay Yadav Resident Of Village- Uprawan Ps-
Kashichak District- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sheo Kumar Prasad, Adv.
For the State	:	Mr.Dinesh Singh, APP
For the OP No. 2	:	Mr. Deepak Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-08-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Kashichak P.S. Case No. 179 of 2024, registered for the offences punishable under Sections 65,62,115(2), 75, 74, 126, 352, 351 of BNS, 2023 and Section 8 of the POCSO Act.

3. Allegedly on the fateful day while the informant went outside from her home for attending the call of nature, in the meanwhile, the petitioner forcibly pressed her mouth and pushed her down and tried to commit rape. On alarm being raised, the mother and daughter came there and the petitioner fled away after assaulting the informant.

4. Learned Advocate for the petitioner submitted that



the informant has not come out with clean hands as it has not been disclosed that the petitioner is none else but the uncle of the informant and moreover there is a land dispute. Both the parties have purchased some land of Khata No. 7474, Plot No. 1081 from the same families and later on some dispute cropped up and only with a view to settle the score, the present FIR came to be lodged. It is further contended that the alleged occurrence took place on 13.11.2024 at 7:00 pm. at evening but the FIR came to be lodged on 15.11.2024. Subsequent to the institution of the FIR, the wife of the petitioner has also instituted Kashichak P.S. Case No. 182 of 2024 against the father of the informant. It is lastly contended that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State and the informant vehemently opposed the bail application and submitted that because of the assault caused by the petitioner to the informant, she sustained serious injuries and due to which she is still under treatment as it has come during the course of investigation. The institution of Kashichak P.S. Case No. 182 of 2024 is nothing but a move to put pressure upon the informant and her family.



6. Having considered the submissions set forth by the learned Advocates for the respective parties and taking note of the statement of the victim recorded under Section 183 of BNSS as disclosed in the impugned order, coupled with the close relationship between the parties and the genesis of the occurrence as also the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge VIth cum Special Judge POCSO Act, Nawada in connection with Kashichak P.S. Case No. 179 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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