

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30536 of 2025

Arising Out of PS. Case No.-154 Year-2024 Thana- BABUBARHI District- Madhubani

Arun Yadav @ Arun Kumar Yadav S/o Jageshwar Yadav Resident of village-
Ourahi, PS- Babunarhi, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari D/o Rajaram Singh R/o vill - Ourahi, P.S.- Babunarhi, Distt.-
Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prabhakar Thakur, Advocate
For the Opposite Party/s	:	Mr.Tarkeshwar Nath Thakur, APP
For the Informant	:	Mr. Subhash Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-05-2025 Heard learned Counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner is apprehending arrest in connection
with Babubarhi P.S. Case No. 154 of 2024 registered on
08.04.2024 for the offenses punishable under Sections 341, 323,
376, 504, 506 and 34 of the Indian Penal Code and Section 4 of
the POCSO.

3. As per the prosecution, the F.I.R. has been lodged
against three named accused persons, including the petitioner. It
is specifically alleged against the petitioner that he raped the
informant, who is a minor girl. Furthermore, it is alleged that
when the informant went to the petitioner's house to complain



about the incident, the petitioner and his father assaulted the informant's grandfather on the head with an iron rod, causing a head injury.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. The petitioner has a clean antecedent. Learned counsel further submits that both the informant and the petitioner are residents of the same village and are well known to each other. He refers to the medical report, annexed as Annexure-2, which shows no signs of external or internal injury on the body or private parts of the victim. It is further submitted that there is an ongoing land dispute between the parties. With regard to the alleged assault on the informant's grandfather, learned counsel submits that the injury is simple in nature. He also points out that there was a delay of two days in lodging the F.I.R.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is an influential person. Despite the seriousness of the allegations, the police initially filed the chargesheet without including offences under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act., but subsequently, the Trial Court has taken cognizance under Section 376 of the IPC and Section 4 of the



POCSO Act.

6. Learned APP for the State also vehemently opposes the prayer for bail and submits that there is a direct allegation against the petitioner of committing rape upon the victim, who is a minor.

7. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Babubarhi P.S. Case No. 154 of 2024, pending before the learned Additional Sessions Judge-VI-cum-Special Judge, (POCSO), Madhubani, is hereby rejected.

8. However, if the petitioner surrenders before the Trial Court within six weeks from today, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day after going through the material available on record, without being prejudiced by the fact that the petitioner's anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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