

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35737 of 2025

Arising Out of PS. Case No.-148 Year-2022 Thana- KOPA District- Saran

Kanhaiya Yadav, aged about 25 years, Male, S/o- Harendra Yadav, R/O Village- Sadhpur Bali, P.S- Kopa, Dist- Saran at Chapra

... .. Petitioner

Versus

1. The State of Bihar
2. Muskan Kumari, aged about not known, Female, D/o- Mantosh Singh Kushwaha, R/O Village- Piyano ke Tola, P.O.+ P.S.-Kopa, Dist- Saran at Chapran

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-08-2025 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with POCSO Case No. 66 of 2024, arising out of Kopa P.S. Case No. 148 of 2022 dated 05.08.2022 registered for the offences punishable under Sections 341, 323, 376, 504, 506 of the I.P.C. and Sections 67, 67A and 72A of the I.T. Act, 2000 in which charge sheet has been submitted under Sections 376, 504, 506 of the I.P.C., Sections 67, 67A of the I.T. Act and Sections 4 and 6 of the POCSO Act

3. The prosecution case, in brief, is that the petitioner



has committed rape on the informant four years ago under threat and threatened her that if the matter was reported to her parents, her parents and sister would be killed and the video would be made viral. The petitioner has committed rape on the informant several times after giving threats that the video would be made viral. When the informant refused to do wrong act and she reported the matter to the Ex-Mukhiya of her village and her parents then by creating a fake I.D., the video was made viral on the facebook through the social media and also used filthy language for the sister and mother of the informant. It is further alleged that the brother of the petitioner, namely, Krishna Yadav came on the *darwaza* of the informant and her family members and also abused and gave threatening to the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the occurrence took place four years ago from the lodging of the F.I.R. i.e., 05.08.2022 and the F.I.R. has been lodged on 05.08.2022 and for the much delay of four years in lodging the F.I.R., no explanation has been given by the prosecution. It is further submitted that there was love affair between the parties and due to some misunderstanding, the alleged occurrence took place. It is



further submitted that the victim has been examined under Section 164 of the Cr.P.C., on 08.08.2022 in which she has mechanically supported the prosecution case but the same has not been corroborated by the medical report which has been held on 05.02.2023 at Sadar Hospital, Chapra wherein the doctor has opined that-'On the basis of above facts we can say that bone age of the informant is above 22 years. At the time of examination, she was not pregnant and there is no evidence of any to suggest recent sexual intercourse at the time of examination'. It is further submitted that after investigation, the police has submitted charge sheet under Sections 376, 504, 506 of the I.P.C., Sections 67, 67A of the I.T. Act and Sections 4 and 6 of the POCSO Act and on the basis of the police report, the learned court below took cognizance against the petitioner. There is no specific allegation against the petitioner. It is further submitted that the other co-accused person, namely, Krishna Yasdav, has already been granted anticipatory bail by another Co-ordinate Bench of this Court in Cr. Misc. No. 36359 of 2023 vide order dated 25.07.2024, annexed as Annexure-2 to the present bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody since 15.06.2024.



5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has further submitted that the petitioner is named in the F.I.R. Learned A.P.P. for the State has further submitted that the informant in her statement recorded under Section 164 of the Cr.P.C., has supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case as well as the accusation made against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with POCSO Case No. 66 of 2024, arising out of Kopa P.S. Case No. 148 of 2022, pending in the court of learned Exclusive Special Additional Sessions Judge (POCSO), Saran at Chapra.

7. The application stands rejected.

8. The learned court below is directed to expedite the trial of the petitioner and conclude the same at the earliest.

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(Chandra Prakash Singh, J)

