

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43368 of 2025

Arising Out of PS. Case No.-197 Year-2025 Thana- MALSALAMI District- Patna

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Surendra Yadav @ Surendar Yadav, Son of Mahendra Prasad Yadav, Resident of Village - Nuruddinganj, P.S.- Malsalami, District - Patna.... ... Petitioner/s
Versus

1. The State of Bihar.
2. Anshu Kumari, Daughter of Late Jitender Yadav @ Late Jitendra Yadav Resident of Village - Nurpur, P.S.- Malsalami, District - Patna.
... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Singh, Advocate
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-11-2025 Heard learned counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of
the State.

2. The petitioner seeks bail in connection with
Special POCSO Case No 124/2025 arising out of
Malsalami P.S. Case No. 197/2025, registered for the
offence under Sections 65(1), 62 of BNS and Sections
4, 8 of POCSO Act.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 24.04.2025.

4. The allegation against the petitioner is to
made an attempt to commit penetrative sexual
assault/rape upon the informant aged about 16 years,
while she was alone in her home and watching T.V.
Petitioner was alleged to work as driver with the family
of the informant.



5. Learned counsel appearing on behalf of the petitioner submitted that certain disputes surfaced between the petitioner and uncle of the victim, whereafter on instance of uncle of the victim, present case was lodged. In support of this submission, learned counsel referred Annexure-2 which is retracted version of the informant/victim, where she stated that she signed the complaint petition as per instruction of her uncle and this petitioner who is his maternal uncle caring her family after death of her father.

6. Arguing further, it is submitted that the victim refused to join medical examination. It is further submitted that the occurrence as per FIR took place on 20.04.2025 whereas as per statement of the informant before the police, the present occurrence took place on 22.04.2025 which apparently suggest false implication of the petitioner and raised a serious doubt regarding occurrence. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean antecedent.

7. Learned APP opposed the prayer of bail.



8. As per service report, notice was received by uncle of the informant but informant/opposite party no. 2 failed to join the present proceedings.

9. Considering the aforesaid factual submissions and by taking note of fact as statement of informant/victim made before the police during investigation creates a serious doubt *qua* alleged occurrence, which further gets strength in view of Annexure-2, where she completely retracted from the version of allegation as raised through FIR against the petitioner, coupled with the fact that investigation of this case is already completed, where petitioner being a man of clean antecedent, remains in custody since 24.04.2025, accordingly, above named petitioner is directed to be released on bail in connection with Special POCSO Case No. 124/2025 arising out of Malsalami P.S. Case No. 197/2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Additional Sessions Judge-VII cum Exclusive Special Judge, POCSO, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.



(Chandra Shekhar Jha, J)

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