

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52023 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- DHANAHA District- West Champaran

=====

Vinod Kumar Bharti @ Vinod Ram S/o- Uttim Ram Village- Smeariya
Chakdahawa Ps- Dhanaha Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yogindra Yadav S/o- Late Paras Yadav Village- Smeariya Chakdahawa Ps-
Dhanaha Dist- West Champaran

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Brij Kishor Mishra
For the State	:	Mr. Ram Priya Sharan Singh

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 05-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 137(2), 96, 3(5) of the B.N.S.
and later on Sections 4, 6, 8 and 12 of the POCSO Act was
added.

3. The allegation in the first information report is that
the minor daughter of the informant was kidnapped by one
Aryan Kumar.

4. Learned counsel for the petitioner submits that it is
apparent from the first information report itself that the
petitioner is not named in the FIR and his name surfaced during
the course of investigation upon a false story being propounded



as against him which was motivated on account of the fact that the petitioner had lodged a case upon the informant on 02.01.2025 as a result of which the informant was taken into custody and thereafter on 04.01.2025 present FIR came to be lodged for an occurrence which had taken on 25.12.2024 and no plausible explanation has been furnished for such delay. It is further submitted that the statement of the victim girl under Section 183 of the BNSS was recorded on 05.01.2025 which was the time when her father i.e. the informant was already lodged in jail on account of a case filed by the petitioner, hence the statement of the victim was motivated and manipulated to that extent. In any view of the matter, even by looking at the statement under Section 183 of the BNSS it would appear that the learned Magistrate has stated that during recording of her statement, she had complained of sexual abuse against her by one Aryan @ Sanjay and not the present petitioner. Further, the medical report of the victim also shows that there is no injury on her private part and no spermatozoa was also found upon examination of the vaginal swab.

5. Learned APP for the State has opposed the application for bail.

6. Taking into consideration the facts and



circumstances and also considering the fact that the petitioner was not named in the FIR making the narration of the victim under Section 183 of the BNSS doubtful as she was very much present at the time of lodging of the FIR and further that the petitioner is in custody since 26.05.2025 and the charge-sheet has been submitted coupled with the consideration that there is a case and counter case, let the above named petitioner, who has no criminal antecedent, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhanaha P.S. Case No. 03 of 2025.

(Soni Shrivastava, J)

devendra/-

U		T	
---	--	---	--

