

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68921 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- KEWATI District- Darbhanga

Rahul Kumar Yadav Son of Rajesh Yadav Resident of Village- Darima, P.S-
Keoti, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vishnudeo Yadav son of Late Golai Yadav Resident of Village- Darima, P.S-
Keoti, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Mishra, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP
For the Informant	:	Mr. Baidyanath Prasad, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 02-12-2025 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant. Perused
the case diary.

2. The petitioner seeks bail in connection with Keoti
P.S. Case No. 87 of 2025 instituted for the offence under
Sections 126(2), 115(2), 352, 87 & 3(5) of the Bharatiya Nyaya
Sanhita, 2023 and Sections 6 & 8 of the POCSO Act.

3. As per prosecution case, it is alleged that petitioner
enticed away the daughter of the informant. Later, his daughter
was found at the main gate of the house of the petitioner. It is
also alleged that petitioner had earlier established physical
relation with the informant's daughter.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 23.04.2025. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that there was consensual physical relationship between the petitioner and the victim. As per statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that she has not whispered anything against the petitioner. As per medical report, victim was pregnant. Learned counsel for the petitioner submits that victim gave birth to a child and petitioner as well as his family members are ready to keep informant's daughter with full honour and dignity.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that since victim is minor, there is no value of consent in the eye of law. Charge sheet has already been submitted in this case under Sections 96 & 64(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act.



7. Considering the aforesaid facts and circumstances of the case, taking into account the fact that victim is minor as also charge sheet being submitted under Sections 96 & 64(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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