

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68382 of 2025**

Arising Out of PS. Case No.-29 Year-2025 Thana- NEORA District- Patna

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Gaurav Kumar S/o- Avdhesh Kumar R/o- Gram Korji Chak Ps- Phulwari  
Sharif Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. XYZ D/o- Umesh Ram R/v- Neora Bazaar Ps- Neora Dist- Patna

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Harsh Singh  
For the Opposite Party/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      10-12-2025                      Heard the parties.

2. The petitioner seeks bail in connection with Neora  
P.S. Case No. 29 of 2025 registered for the offence under  
Sections 137(2), 64, 3(5) of BNS and Section 3(1)(r)(s)(w)  
of SC/ST Act and Section 4/6 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in  
custody since 12.06.2025.

4. The allegation against the petitioner is to commit  
rape upon informant aged about 17 years. It is also alleged  
that two friends (including this petitioner) of main co-accused  
Sonu Yadav also committed rape upon informant/ victim.

5. Learned counsel appearing on behalf of the



petitioner submitted that from statement of victim recorded under Section 183 of BNSS, it can be gathered safely that she was in love with main co-accused Sonu Yadav prior to one year of lodging this FIR. It is submitted that this petitioner being friend only accompanied Sonu Yadav and victim for their marriage and, therefore, he alongwith other co-accused namely, Dholan Yadav accompanied them. It is pointed out that marriage with Sonu Yadav at Banaras appears admitted through statement of victim, where and further she stated that she was dropped on 18.01.2025 at Danapur Railway Station. It is pointed out that without explaining any reason for delay the FIR, in issue, was lodged on 15.02.2025.

6. Arguing further, it is submitted that as per statement of the victim she visited the house of co-accused Sonu Yadav on 21.01.2025 to join her matrimonial home but as the parents of co-accused Sonu Yadav could not accpeted her being family members being wife of Sonu Yadav, the present false case was lodged alleging Sonu Kumar and his both friends.

7. Arguing further, it is submitted that upon medical



examination of victim nothing incriminating material appears surfaced in support of the allegation of penetrative sexual assault. It is also submitted that the petitioner is in custody for about six months with no progress in trial. While concluding the argument, it is submitted that petitioner found involved in one more criminal case where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

8. Learned APP while opposing the prayer of bail submitted that allegation is also available against this petitioner as to commit rape upon informant/ victim.

9. Despite of valid service of notice, O.P. No. 2 failed to join present pending proceedings.

10. In view of aforesaid factual submission and by taking note of fact as *prima-facie* implications appears raised when family members of co-accused Sonu Yadav refused to accept informant/ victim as family member being wife of co-accused Sonu Yadav, where implications of this petitioner *prima-facie* appears being friend of co-accused Sonu Yadav,



coupled with fact that with almost no progress in trial, petitioner remains in custody since 12.06.2025, accordingly petitioner above named, is directed to be released on bail in connection with Neora P.S. Case No. 29 of 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 Addl. Judge VII cum Spl. Judge, POCSO, Patna /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

**(Chandra Shekhar Jha, J)**

Sudha/-

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