

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71168 of 2025

Arising Out of PS. Case No.-132 Year-2025 Thana- KURSAILA District- Katihar

Chandan Kumar Yadav S/o Bablu Yadav R/o - Avadhesh Nagar, Bhartiya
Tola, Jaunpur, P.S - Kursela, District - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Buchni Devi @ Rama Devi W/o Rohit Singh R/o - Jaunpur, P.S - Kursela,
District - Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Vikram Rana, Adv

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with Kursela
P.S. Case No. 132 of 2025 registered for the offence under
Section 64 of the BNS and Sections 4/6 of the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody
since 12.07.2025.

4. The allegation against the petitioner is to commit
sexual assault upon minor daughter of informant aged about 17
years, while she was working in the field.

5. Learned counsel appearing on behalf of the petitioner
submitted that while recording her statement under Section 183 of
the BNSS victim categorically stated that she was in relationship
with petitioner, prior to lodging this FIR and after establishing



relationship on different occasions, when petitioner refused to solemnize marriage with her as he promised before entering into corporeal relationship, he was implicated with the present case. It is further argued that out of medical examination that rape/penetrative sexual assault was not committed upon her and upon radiological examination victim was found between the age group of 18-19 years, therefore, implication of petitioner in POCSO Act also not appears convincing. It is submitted that corporeal relation on false pretext of marriage is not amounting to rape, in support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Pramod Suryabhan Pawar Vs. State of Maharashtra and Another, [(2019) 9 SCC 608] & Ansaar Mohammad Vs. State of Rajasthan and Another, [2022 SCC OnLine SC 886]**. While concluding the argument, it is submitted that petitioner is a man of clean antecedent 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.

6. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that allegation of rape is specifically available against this petitioner,



but could not disputed factual submission as stated by victim while recording her statement under Section 183 of the BNSS as discussed aforesaid.

7. In view of aforesaid factual submission and by taking note of fact as prima-facie allegation of rape appears raised on false pretext of marriage when for any of the reason marriage of victim could not solemnize with petitioner, coupled with fact as investigation of this case already completed where petitioner remains in custody since 12.07.2025, accordingly petitioner above named, is directed to be released on bail in connection with Kursela P.S. Case No. 132 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 and Additional Sessions Judge-VI cum Special Judge, POCSO, Katihar/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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