

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71200 of 2025**

Arising Out of PS. Case No.-287 Year-2024 Thana- NAUBATPUR District- Patna

Ranjeet Kumar Yadav @ Ranjeet Yadav @ Ranjeet Kumar @ Ajay Yadav
S/o- Rajendra Prasad Yadav @ Rajendra Yadav R/v- Madho Bigha Ps-
Nimchak Bathani Dist- Gaya

... .. Petitioner

Versus

1. The State of Bihar
2. Smt. Soni Devi W/o- Sanjay Sao R/v- Tarsan Ps- Bhagwanpur Town Dist-
Muzaffarpur

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Rajendra Narain, Sr. Advocate Mr.Bhola Kumar, Advocate
For the State	:	Mrs.Pushpa Sinha.1, APP
For the Informant	:	Mr.Akshansh Ankit, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-12-2025 Heard Mr. Rajendra Narain, learned senior
counsel for the petitioner, and learned APP for the
State duly assisted by learned counsel for the
informant.

2. The accused-petitioner, not named in the
F.I.R., is apprehending his arrest in connection with
Naubatpur P.S. Case No. 287 of 2024 registered for
the offences punishable under Sections 341, 323,
506, 376(D)/34 of the Indian Penal Code, section
4/6 of the POCSO Act and section 27 of the Arms
Act.

3. As per FIR, six named accused persons



committed rape upon the minor daughter, aged about 12 years, of the informant on the point of pistol.

4. Mr. Rajendra Narain, learned senior counsel, while arguing on behalf of the petitioner submitted that petitioner was not named in the FIR and he has not even a remote connection with the present crime in question. It is pointed out that being MLA of the area, he was implicated falsely with this case out of political rivalry.

5. It is submitted by Mr. Narain that informant, who is none but the step-mother of the victim, claiming herself to be an eye witness of the occurrence, specifically stated through FIR that the named accused persons committed rape upon her minor daughter while she was going in car alongwith her daughter.

6. Arguing further, it is submitted by Mr. Narain that during course of investigation, statement of victim was recorded under section 164 of the Cr.P.C., where she categorically stated that she was raped in car by one Raja and Golu. It



is submitted that these two names are completely different to the names which were taken by the mother of the victim and, thus, the victim herself setup different prosecution case out of her statement as recorded under section 164 Cr.P.C.

7. Mr. Narain further submitted that name of this petitioner transpired during investigation only on the basis of confessional statement of co-accused Rahul Kumar, who alleged to sit on a motorcycle near to the place of occurrence and is not named with the FIR also on the basis of CCTV footage. In furtherance of which, nothing incriminating appears to be recovered/surfaced during investigation as to connect the petitioner with the present crime in question. Even, as per confessional statement, no overt act appears attributed against this petitioner.

8. Explaining criminal antecedent of the petitioner, it is submitted by Mr. Narain that petitioner found involved in nine more criminal cases, where in three cases he has already been acquitted by the learned trial court and in rest of



the cases he is on bail, where none of the cases are of similar nature rather same was lodged out of political rivalry. It is pointed out that ordinarily prayer of bail of the petitioner should not be rejected on the ground of criminal antecedents alone, if merits of the case otherwise convincing in favour of the accused/petitioner. In support of his submission, learned senior counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

9. Learned A.P.P. for the State duly assisted by Mr. Akshansh Ankit, learned counsel for the informant, while opposing the prayer of anticipatory bail of the petitioner, could not disputed the factual submission as advanced by learned senior counsel appearing for the petitioner.

10. In view of aforesaid factual submission and by taking note of statement of victim as recorded under section 164 of the Cr.P.C. and also the version of informant who is none but the step mother of the victim, who claims to be an eye



witness of the occurrence, where in both statement and FIR, nothing incriminating against this petitioner and also during investigation as to connect him with the present crime in question, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Rape and POCSO Act), Patna/concerned court in connection with Naubatpur P.S. Case No. 287 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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