

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74852 of 2025

Arising Out of PS. Case No.-323 Year-2024 Thana- TRIVENIGANJ District- Supaul

Kapil Yadav S/o Buchchan Yadav Resident of Village- Rajagaon, P.S.- Jadia,
District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Sabana Khatoon D/O Md. Nabi Hasan R/O P.O.- Sikiyahee Ward No.- 08,
P.S.- Tribeniganj, Dist.- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patla Kumari, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with

POCSO Case No. 97 of 2024 arising out of Triveniganj P.S.

Case No. 323 of 2024 registered for the offences under

Sections 137(2), 64(1), 140(3), 3(5) of the Bhartiya Nyay

Sanhita, 2023 (in short, the 'B.N.S.') and 4, 6, 8, 17 of the

POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 20.08.2024.

4. Allegation against the petitioner is to commit rape

upon minor daughter of the informant aged about 14 years.



5. It is submitted by learned counsel appearing on behalf of the petitioner that during investigation the victim categorically stated while recording her statement under Section 180 of the B.N.S.S. that much before this occurrence, she was in love with the petitioner and her parents is instigating her to lodge a case against this petitioner. She categorically stated that she is desirous to solemnize marriage with this petitioner, but subsequently, taking U-turn under section 183 of the B.N.S.S., victim improved her version and stated that on gun point she was kidnapped and raped by this petitioner, which is completely under the influence of her parents. It is submitted that upon radiological examination, victim was found between the age group of 17 to 19 years.

6. While concluding argument, it is submitted that petitioner found involved in one more criminal case and, moreover, investigation of this case is already completed, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

8. In view of aforesaid factual submission and by



taking note of the fact as victim improved her version, while recording her statement under section 183 of the B.N.S.S., , as discussed aforesaid, coupled with the fact that petitioner remains in custody since 20.08.2024, and as investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, POCSO Act, Supaul/concerned court, in connection with POCSO Case No. 97 of 2024 arising out of Triveniganj P.S. Case No. 323 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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