

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74452 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- MAHILA PS District- Darbhanga

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1. Birbal Yadav, S/o- Bhola Yadav
 2. Dilip Roy, S/o- Chandeshwar Roy
- Both are resident of Village-Harinahi, P.S.-Tilakeshwar, District-Darbhang.

... .. Petitioners

Versus

1. The State of Bihar
2. XXX, W/o Naval Sada, resident of Village-Harinahi, P.S.-Tilakeshwar, District-Darbhang.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Sujeet Kumar Singh, Advocate
		Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-11-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Both petitioners seek bail in connection with

Mahila P.S. Case No.40 of 2025 registered for the offences

punishable under Sections 65(1) read with 3(5) of the

Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') as well as

Sections 4 and 6 of the Protection of Children from Sexual

Offences Act (in short 'POCSO Act').

3. Both accused/petitioners are named in the FIR

and are in custody since 30.08.2025.



4. Allegation against the petitioners is to help the main co-accused named as Sajan Sada to commit rape upon minor daughter of informant aged about 14 years.

5. Mr. Sujeet Kumar Singh, learned counsel while appearing on behalf of the petitioner submitted that even from facial perusal of FIR, no overt act appears to be attributed *qua* crime in question against petitioner. It is submitted that the thrust of allegation is available against co-accused Sajan Sada and these petitioner are only to allege watch the movement of people crossing from there. It is submitted that the allegation as raised against the petitioners appear without any cogent material. While concluding argument, it is submitted that investigation of this case has been completed for which, charge-sheet has already submitted and, as such, there is no chance of tampering with the evidence. Petitioner no.1 is a man of clean antecedent, whereas petitioner no.2 was found involved in one more criminal case, which is related with Excise, where he is on bail

6. Learned APP opposed the prayer for grant of bail to the petitioners.



7. In view of aforesaid factual submissions and by taking note of fact as implication of both above-named petitioners *prima facie* appears without any overt act attributed towards crime in question, where the allegation of penetrative sexual assault is specifically available against named co-accused Sajan Sada, coupled with the fact that charge-sheet has already submitted, where both petitioners remain in custody since 30.08.2025, accordingly, both petitioners, above-named, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (POCSO Act), Darbhanga in connection with Mahila P.S. Case No.40 of 2025, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

Sanjeet/-

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