

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79685 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- GAMAHARIYA District- Madhepura

Ramesh Kumar Yadav S/O Nago Yadav R/O Vill.- Tokshipur, Ward no.- 05,
P.S- Gamharia, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalita Devi W/O Shyam Kumar Mehta R/O Vill.- Tokshipur, Ward no.- 05,
P.S- Gamharia, District- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Adv
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Vinay Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-01-2025 Heard the parties.

2. The petitioner seeks bail in connection with Gamahariya P.S. Case No. 51 of 2024 registered for the offence under Sections 341, 354, 363, 366(A)/34 of the I.P.C. and added Section 376/494 of IPC and 4/6 of the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 21.05.2024.

4. The allegation against the petitioner is to kidnap the minor daughter of the informant, aged about



seventeen years alongwith other co-accused persons and also alleged to force and seduce her to establish illicit relationship with another persons, where allegation of rape and penetrative sexual assault was added later on.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case as victim completely negate the occurrence of rape through her statement recorded under Section 180 and 183 of the BNSS. It is pointed out that from both statements of victim, it transpires that victim went to her aunt house (Mausi) out of her own sweet will due to certain disputes developed with her parents. She did not named even petitioner through her statements. It is submitted that even the medical report is not suggesting any abrasion, bruise or any mark of assault on body part including private part of the victim, negating *prima facie* occurrence of rape. While concluding the argument, it is submitted that investigation of this case is completed and as such, there is no chance of tampering with the



evidence.

6. Learned APP duly assisted by learned counsel appearing for the informant oppose the prayer of bail and submitted that the petitioner is main accused, who kidnapped the victim from the house on the point of pistol.

7. In view of aforesaid facts and submission as mentioned above and by taking note of fact as victim completely negate the occurrence through her statement recorded under Section 180 and 183 of the BNSS, where she did not even named the petitioner, coupled with fact that investigation of this case is already completed, where petitioner is in custody since 21.05.2024, accordingly petitioner above named, is directed to be released on bail in connection with Gamahariya P.S. Case No. 51 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 6th cum POCSO Court, Madhepura/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)

kiran/-

U		T	
---	--	---	--

