

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.898 of 2025

Arising Out of PS. Case No.-170 Year-2024 Thana- KATIHAR MUFFASIL District- Katihar

Vivek Yadav S/o Wakil Yadav Resident of Village- Haflaganj Kutir Tola, PS-
Muffasil, Dist.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Victim N/A Through her Legal Guardian Namely Manoj Mandal. R/O Vill.-
Makhdumpur, P.S.- Muffasil, Dist.- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate Mr. Indrajeet Kumar, Advocate Ms. Kajal Kumar, Advocate
For the O.P. No.2	:	Mr. Bimal Kumar, Advocate
For the Opposite Party/s	:	Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 29-04-2025 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection
with G.R. Case No. 4036 of 2024 arising out of Muffasil P.S.
Case No. 170 of 2024, registered for the offences punishable
under Section 64 of the Bharatiya Nyaya Sanhita and Section
4 of the POCSO Act.

3. The prosecution in brief is that the victim girl
herself gave a written report stating therein that that the
petitioner, namely, Vivek Yadav, had forcibly entered into her



house and took her to a nearby place where he had committed rape upon her and threatened of dire consequences. The victim further stated that after two hours, the mother and father went to talk to the petitioner and his guardians, however, they were threatened and ask to go away. Subsequently, a *Panchayat* was also done with regard to the said incident, but nothing materialised and hence after a delay of 5 days, the present application was being made.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and the allegation as such made by the informant/victim does not find support from the medical report which does not say that there was any forceful sexual assault made on the victim. The learned counsel further submits that the medical report also suggests that the age of the victim/informant was assessed between 17 to 18 years and also the fact that from the perusal of the statement made in under Section 180 of B.N.S.S., it is clear that the factum of the incident, as stated by the petitioner, does not seem to be probable as in the case of such heinous crime a *panchayati* could be held. Lastly it has been submitted that the petitioner has clean antecedent and he is in custody since 08.08.2024.



5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that there is serious allegations against the petitioner of committing rape upon the victim/informant and hence the petitioner does not deserve the liberty of bail.

6. Considering the aforesaid submissions made by the respective parties and taking into account the medical report as well as the statements made by the victim/informant under Section 180 of B.N.S.S. and also her statement recorded under Section 183 of B.N.S.S., which was sent in sealed cover to this Court which reveals that there is serious contradictions in the statement of the victim girl which falsifies the allegations made against the petitioner. Considering the aforesaid facts and also the period of custody, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Katihar, in connection with G.R.



Case No. 4036 of 2024 arising out of Muffasil P.S. Case No.
170 of 2024

(Sourendra Pandey, J)

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