

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.26 of 2025

Arising Out of PS. Case No.-59 Year-2024 Thana- ADHAOURA District- Kaimur (Bhabua)

Vijendra Yadav Son of Mukalesh Yadav Resident of Village - Kuruasot, P.S. - Adhaura, District - Kaimur through under guardianship of his brother Sikendr Yadav, aged about 21 years, male, Son of Mukalesh Yadav, Resident of Village - Kuruasot, P.S. - Adhaura, District - Kaimur

... .. Appellant/s

Versus

1. The State of Bihar
2. Kauleshvari Devi Wife of Vindhyachal Singh Resident of Village - Kuruasot, P.S. - Adhaura, District - Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Prasad, Adv.
For the State	:	Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 19-04-2025 The instant appeal is directed against an order dated 2nd December, 2024, passed by the learned Special Judge (Children Court), Kaimur at Bhabhua, in Adhaura P.S. Case No. 59 of 2024, rejecting the prayer for bail of the accused on the ground that there are sufficient material against the accused in the case diary, in the form of statement under Section 183 of the B.N.S.S. and the medical report in which it has been clearly opined that the commission of rape cannot be ruled out.

2. It is not in dispute that the appellant is a minor. In the F.I.R., the mother of the victim alleged that when her daughter was passing through the road to go to the School and reached in front of the house of the C.I.C.L., he forcibly took



her inside his house, pulling her hair, and committed indecent act (duskarm).

3. The victim was medically examined and the medical report is lying in the case diary. In the medical report, it is clearly stated that :-

(I) There is no evidence of physical/ genital injury.

(ii) There are no sign suggestive of vaginal/ annul intercourse.

(iii) Sexual assault cannot be denied.

4. Thus, the medical report clearly shows that there was no offence of rape for which the appellant should be denied bail. The materials collected by the Investigating Officer during investigation at best shows commission of an offence under Section 75 of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.).

5. The petitioner is in protective home from 20th September, 2024.

6. Considering the nature of offence, I am inclined to release the petitioner on bail in connection with Adhaura P.S. Case No. 59 of 2024 on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each, one of whom must be one of the parents of the petitioner, to the



satisfaction of learned Additional District & Sessions Judge 1st
-cum-Special Judge, Kaimur at Bhabhua, with further condition
that the another bailor must be the resident of the local limits of
the learned Special Judge and the petitioner shall remain
personally present before the court and/or the police, as the case
may be, as and when required.

7. The instant criminal appeal is thus allowed.

(Bibek Chaudhuri, J)

pravinkumar/-

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

