

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9952 of 2026

Arising Out of PS. Case No.-98 Year-2025 Thana- MARAUNA District- Supaul

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Ramkishun Yadav @ Ramkishun Kumar S/o Laxmi Yadav @ Lakshmi Yadav
R/o Village - Khushyali, P.S - Marauna, District - Supaul

... .. Petitioner

Versus

1. The State of Bihar
2. XXX S/o YYY R/o Village - Khushiyali, Ward No. 9, P.S - Marauna,
District - Supaul

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, A.P.P.
For the informant	:	Mr. Shabina Talat, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-04-2026 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since

09.10.2025 in connection with Marauna P.S. Case No. 98 of

2025 for the offences punishable under Sections 115(2), 126(2),

352, 351(2), 351(3) and 65 of BNS and Sections 3 and 4 of

POCSO Act.

3. The prosecution story, in brief, is that 21.01.2025 at

about 03:00 P.M. informant's daughter (victim XXX), aged

about 17 years, went from her house in the north- cast direction

to see the wheat and potato crop in her field. In the meantime



feeling thirsty, she went to the house of Birendra Yadav, adjacent to the field to drink water where Ramkishun Yadav (accused petitioner), who was watching her, forcibly caught hold her (victim XXX), and took her to his house and committed rape with her. When the informant's daughter tried to raise alarm, Ramkishun Yadav (accused petitioner) stuffed a cloth in her mouth and continuously raped her. Hearing the sound of people coming, accused Ramkishun Yadav ran away from the house. Thereafter, the informant's daughter returned her home and informed his father about the incident. Then informant informed the villagers about the incident and went to accused Ramkishun's (accused petitioner) house to tell his father, uncle and accused Ramkishun's wife Saraswati Devi. The above mentioned accused namely Laxmi Yadav, Laxman Yadav, Ramchandra Yadav and Saraswati Devi abused and pushed the informant out of the house which was witnessed by the people. After the incident, the informant's daughter became mentally disturbed and seriously ill and she has yet not recovered from that trauma. Then the informant reported the incident to police at Marauna P.S after which the police of Marauna P.S came to the place of incident and they assured the complainant that they will register FIR and will take legal action. But they neither



registered the FIR nor did they taken any legal action. Therefore, the complainant gave a written application to Mahila Thana, Supaul on 21/03/2025 but Mahila Thana Supaul also did not register the FIR application and asked him to come on 01/04/2025 and on that day also they did not take any legal action. Being helpless the complainant filed the complaint petition in the Court.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner submits that the complainant has filed a Complaint Case No. 05 of 2025 on 26.03.2025 stating therein the date of occurrence as 21.01.2025 but the same was forwarded on 13.03.2025 for registration of the present FIR. Learned counsel for the petitioner further submits that although victim has supported the case of prosecution in her statement recorded under Section 183 of BNSS but during the trial she has not stated anything about the petitioner instead she has stated that one Kusum Sharma has committed wrong with her (Annexure-3). Learned counsel for the petitioner further submits that the informant (PW-2) has not supported the case of the



prosecution as alleged in the FIR and police after investigation has submitted charge-sheet and the petitioner is in custody since 09.10.2025

5. The learned Additional Public Prosecutor for the State and learned counsel for the informant, on the other hand, have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that petitioner is a person with clean antecedent and the fact that PW-1 (victim) and PW-2 (informant) have not supported the case of the prosecution during the trial, 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 learned District and Additional Sessions Judge-VI-cum-Spl. Judge, POCSO Act, Supaul in connection with Marauna P.S. Case No. 98 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be canceled by the Court below.

ii. If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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