

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17704 of 2026

Arising Out of PS. Case No.-503 Year-2025 Thana- MIRGANJ District- Gopalganj

Akash Kumar @ Akash Yadav, aged about 19 years, Gender, Male, Son of Binod Yadav @ Vinod Yadav, Resident of Village -Kodrahata PS -Mirganj District -Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumari, Gender, Female, Daughter of Parashuram Yadav, Resident of Village- Bhagirathi PS- Mirganj District- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Gauri Shankar Gupta, APP
For the informant	:	Mr. Suresh Prasad Bhakta, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-05-2026 At the outset, learned counsel appearing on behalf of the petitioner submits that incorrect information has been made in paragraph no.15 of the bail petition and he seeks to delete it.

2. Permission is accorded.

3. Heard Mr. Mithilesh Kumar Singh, learned counsel appearing on behalf of the petitioner; Mr. Gauri Shankar Gupta learned APP for the State and Mr. Suresh Prasad Bhakta, learned counsel for the informant.

4. The petitioner seeks pre-arrest bail in connection with Mirganj P.S. Case No. 503 of 2025 registered for the offence(s) punishable under Sections 96,64,3(5) of the BNS and



Sections 8,12 of the POCSO Act.

5. As per the allegation made in the FIR, the petitioner has kidnapped the informant and has established physical relationship with her.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submitted that petitioner is innocent and he was in love relationship with the victim and has not forcibly kidnapped her, rather the victim girl willingly went with the petitioner to Siwan. Statement of the victim was recorded under Section 183 BNSS in which she has not stated anything against the petitioner regarding the incidence of rape. Petitioner is 19 years old, while the informant is 15 years old and attraction at the said age is obvious. In this regard, learned counsel has placed reliance upon a judgment of Apex Court in case of *Vijayalakshmi & Anr. vs. State Rep. by the Inspector of Police & Anr.* reported in *(2021) SCC OnLine Mad 317*. Petitioner has clean antecedent.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

8. Having heard the rival submissions made on



behalf of the parties, as well as, having perused the allegation made in the FIR, I find that it has come in the impugned order that the victim in her statement recorded under Section 183 of BNSS has not supported the allegation of rape made in the FIR against the petitioner. Petitioner is aged about 19 years, whereas informant is aged about 14 years. In light of law laid down by the Apex Court in case of *Vijayalakshmi & Anr. vs. State Rep. by the Inspector of Police & Anr.* reported in (2021) *SCC OnLine Mad 317*, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

9. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VI-cum-Special Judge, POCSO, Gopalganj / Concerned Court in connection with Mirganj P.S. Case No. 503 / 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what



**has been stated in paragraph no.3 of the bail application,
this order will automatically lose its force.**

(Purnendu Singh, J)

Sanjay/-

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