

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15052 of 2026

Arising Out of PS. Case No.-323 Year-2024 Thana- TRIVENIGANJ District- Supaul

Babita Devi W/o Dinesh Yadav Resident of Village- Sikiyahi, P.S.- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. XX D/o YY Resident of Village- Sikiyahi ward no. 08, P.S.- Triveniganj, Dist.- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Patla Kumari, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-03-2026 Heard learned counsel appearing on behalf of the petitioner and the learned APP for the State.

2. At the very outset, learned counsel appearing on behalf of the petitioner seeks to delete the information as contained in Paragraph No.7 and Annexure P/2 of the bail application in course of the day.

3. Permission accorded.

4. Petitioner seeks pre-arrest bail in connection with POSCO Case No.97 of 2024 arising out of Triveniganj PS Case No.323 of 2024, registered for the offences punishable under Sections 137(2), 64(1), 140(3) and 3(5) of BNS and Sections 4, 6, 8 and 17 of POCSO Act.

5. As per the allegation made in the FIR, the petitioner



and other co-accused persons kidnapped the informant, who was aged about 14 years and the co-accused Dinesh committed rape with her in which allegedly the petitioner had participated.

6. Learned counsel appearing on behalf of the petitioner submitted that co-accused Kapil Yadav and the informant were in relationship and the age of the informant has been assessed between 17-19 years. Learned counsel further submitted that co-accused Kapil Yadav has been released on regular bail. In absence of any specific allegation against the petitioner, she seeks to be released on pre-arrest bail.

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

8. Having considered the rival submissions made on behalf of the parties, as well as, considering the fact that the co-accused, Kapil Yadav has been released on bail with whom the informant was in relationship and he established physical relation with the informant. Petitioner is own maternal aunt of co-accused Kapil Yadav and she has no role in the alleged offence .

9. The learned district court is directed to call for the statement of the victim recorded under Section 83 of BNSS and if it is found that the informant has not supported the



prosecution story, then in that case, the petitioner is directed to be released on pre-arrest bail in connection with POCSO Case No.97 of 2024, subject to conditions as laid down under Section 482(2) of BNSS of 2023 and the other terms and conditions as the learned district court deems fit and proper.

10. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J)

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