

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16615 of 2026**

Arising Out of PS. Case No.-1 Year-2021 Thana- SAHARSA COMPLAINT CASE District-  
Saharsa

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Ram Chandra Yadav @ Ramchandra Yadav S/o- Yoganandan Yadav R/v-  
Sattar Chippa Tola W.No-6, Ps- Bihra Dist-Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/O Y At Sattar Chippa Tola, PS - Bihra, Dist. - Saharsa,  
... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv.  
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      06-05-2026                      Heard Learned Counsel for the petitioner, Learned  
  
APP for the State and learned counsel for the complainant (suo  
moto).

2. The petitioner is apprehending arrest in connection  
with Complaint Case No.01C of 2021 lodged on 05.01.2021, for  
the offences punishable under Section 377 of the IPC read with  
sections 7, 4/18 and 6/18 of the POCSO Act.

3. As per the prosecution, the present case has been  
lodged by virtue of complaint made by the father of the victim  
with allegation that the petitioner had made penetrative sexual  
assault with the victim.

4. Learned Counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. Counsel  
also submits that from the complaint itself, it becomes clear that  
the date of occurrence was in the new year day of 2021 whereas  
the complaint case has been lodged on 01.03.2021 i.e., after 3



months. He further submits that the solemn affirmation (SA) of the complainant has taken place and upon the Court's inquiry, it has been accepted that no case has been filed before the Superintendent of Police. He further submits that there was previous enmity between the parties. He further submits that the victim was given treatment and checked up by a doctor having no valid degree .

5. Counsel further submits that the enquiry report has been called for which is annexed vide Annexure-2 of the bail petition. He further submits that from the enquiry report, it becomes crystal clear that the dispute was going on between the complainant and the petitioner since long and it is due to this reason, he has been dragged in the present case.

6. Counsel submits that the criminal antecedent of the petitioner is not clean as there are eight criminal cases pending against him in which he has been acquitted in four cases and in one case, final form has been submitted and rest 3 cases, he is on bail.

7. Learned counsel for the complainant (appeared suo moto) vehemently opposes the prayer for bail and submits that in the S.A., there is specific and categorical allegation against the petitioner. He also submits that the allegation of penetrative sexual assault is there.

8. Learned APP for the State opposes the prayer for



bail of the petitioner and submits that in the complaint case, there is allegation of penetrative sexual assault against the petitioner.

9. Upon perusal of the records, it transpires to this Court that this case is complete *absentia* of any medical support. It also transpires that there is a long pending dispute between the parties. Report of the doctor is also lacking in the present case. Enquiry report has been called for by the Trial Court which indicates that there is no material against the petitioner.

10. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Additional Sessions Judge-VI-cum-Special Judge (POCSO), Saharsa, in connection with Complaint Case No.01C of 2021, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

**(Dr. Anshuman, J)**

Prakashmani/-

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