

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26285 of 2026

Arising Out of PS. Case No.-7 Year-2026 Thana- MAHILA PS District- Darbhanga

Ritesh Yadav S/O Ganesh Yadav @ Ganeshi Yadav R/O Village- Dhoi
Navtoli, Kabariya, P.S- Sadar, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Miss-X Mr. Y R/O Village- Dhoi, P.S- Sadar, Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 16-07-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No.07 of 2026, F.I.R dated 12.01.2026 registered for the offences punishable under Sections 115(2), 126(2), 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the POCSO Act.

3. According to prosecution case, on 31.10.2025, petitioner Ritesh Kumar enticed her away on the false promise of marriage and established a physical relationship with her. She further alleges that on 30.03.2025, when she asked him to speak to her father, he applied sindoor to her forehead, assuring her



that he would marry only her. Thereafter, he left her at a relative's house, promising to return the next day, but failed to do so and continued to avoid her calls with various excuses. Subsequently, on 07.12.2025, when she went to his house, the petitioner along with other named accused persons and female family members allegedly assaulted, abused, and drove her out. The informant also claims that she has already solemnised marriage with the petitioner and seeks to reside with him as his wife.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It has next been submitted that that the victim had herself gone along with this petitioner and is presently married and because of the resistance of her parents, they fled away and are staying in the house of the petitioner's relative. It has further been submitted that they have established physical relationship and the victim has no complaint with the petitioner as they are currently residing together. It has lastly been submitted that the victim has already attained the age of majority and both the parties have filed a compromise petition and do not wish to proceed further with the case.

5. Learned counsel for the informant has appeared



pursuant to the notice issued by this Court and submits that the victim herself is the informant and is now married and residing together with the petitioner, hence, the privilege of anticipatory bail may be extended to the present petitioner to protect her life.

6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Considering the aforesaid facts and circumstances that the victim had herself gone along with this petitioner and is presently married and because of the resistance of her parents, they fled away and are staying in the house of the petitioner's relative and they have established physical relationship and the victim has no complaint with the petitioner as they are currently residing together. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

8. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 Special Judge (POCSO) Darbhanga, in connection with Mahila P.S. Case No.07 of 2026, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure / Section 482(2) of the Bhartiya Nagarik
Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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