

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31763 of 2026

Arising Out of PS. Case No.-5 Year-2022 Thana- MAHILA PS District- Gaya

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Jitendra Kumar S/o- Amrik Yadav, R/Village - Goriyawa Tola Siho Itwa, PS-
Mohanpur, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinki Kumari D/o- Indradeo Yadav, R/Village - Goriyawa Tola Siho Itwa
PS- Mohanpur, Dist- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Durgesh Nandan, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Ms. Puja, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 21-07-2026 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. The petitioner seeks anticipatory bail under Section 482 BNSS, apprehending his arrest, in connection with Mahila P.S. Case No. 05 of 2022, dated 20.01.2022, registered for the offences punishable under Section 376(D) of the Indian Penal Code and Section 6 of POCSO Act. Similar bail application filed by the petitioner under Section 482 of the BNSS has been rejected by the Court of Sessions vide order dated 16.03.2026 passed in A.B.P. No. 4 of 2026.

3. As per allegation, the petitioner has forcibly established physical relationship with the informant/victim and



four other persons have also tried to outrage her modesty.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of being next door neighbor and having land dispute with the family of the informant/victim. He further submits that as per medico legal examination, the informant/victim is 19 years old and it does not support the allegation of the informant/victim, because as per the medico legal report, there is no sign of any rape, because hymen was intact. He further submits that falsity of the allegation is further testified by the fact that the statement of the alleged victim/informant is completely different at different stages. The statement made by the informant/victim under Section 164 Cr.PC, she has given a complete different story of the occurrence falsifying the allegation made in the FIR.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State as well as learned counsel for the informant vehemently oppose the prayer



of the Petitioner for bail.

8. I considered the submissions advanced by both the parties and perused the material on record.

9. I find that as per medico legal examination, the informant/victim is 19 years old and her statements in the FIR and her statements made under Section 164 Cr.PC are completely different. I also find that there is previous enmity between the family of the petitioner and the informant/victim. I also find that the Petitioner/Accused is a student.

10. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Mahila P.S. Case No. 05 of 2022, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned



court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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