IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41397 of 2026

CNR No. BRHC010558372026

Arising Out of PS. Case No.-33 Year-2024 Thana- MAHILA P.S District- Supaul

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1. Jayprakash Yadav, aged about 59 years, Male, son of Prithi Yadav,
2. Kaili Devi @ Mira Devi, aged about 57 years, Female, wife of Jayprakash Yadav

Both are residents of Village- Jadia, Ward No. 2, P.S. Jadia, District- Supaul.

3. Bulbul Yadav, aged about 44 years, Male, son of Mohan Yadav, resident of Village- Jhakhadagadh , P.S- Chhatapur , District-Supaul.

... ... Petitioner/s

Versus

1. The State of Bihar
2. xxxx W/o yyyy R/o Vill- jadia , P.S- Jadia , Dist-Supaul.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 27-10-2026 Heard Mr. Murari Narain Chaudhary, learned counsel appearing on behalf of the petitioners and Mr. Ajit Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with POCSO Case No. 75 of 2024 arising out of Mahila P.S. Case No. 33 of 2024, registered for the offence punishable under Sections 366(A), 376(B), 370/34 of the Indian Penal Code, Sections 9, 10 of the Prohibition of Child Marriage Act and Sections 4 and 6 of the POCSO Act.

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3. As per the allegation made in the FIR, petitioners along with other co-accused, had allegedly kidnapped the sister of the informant with an intention to commit wrong with her.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. He further submitted that the survivor, in her statement, recorded under Section 164 Cr.P.C./183 BNSS, has not supported the allegation made in the FIR, rather, she has admitted that she, on her own, had solemnized marriage with co-accused Paplesh Kumar @ Kaplesh Kumar. The petitioners no. 1 and 2 are *Fua* and *Fufa* of the survivor and petitioner no. 3 is father of co-accused Paplesh Kumar @ Kaplesh Kumar. The survivor has admitted that on the date her statement was recorded, she was aged about 17 years. She has also stated that she has lodged an FIR against the informant, who is her sister and her brother-in-law (husband of the informant). Petitioners have clean antecedent. In these backgrounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail, however, he admits that in spite of several notices having been served upon the informant, the informant has not represented either in person or through her

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counsel.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the material, which has surfaced in course of investigation, it is admitted that the survivor, on the date of recording of her statement under Section 164 Cr.P.C./183 BNSS on 05.07.2024, was aged about 17 years and as on date, she has attained majority and she has already solemnized marriage with the co-accused Paplesh Kumar @ Kaplesh Kumar, who is son of petitioner no. 3 and the survivor has also lodged an FIR against the informant, who is her own sister and her brother-in-law (husband of the informant) and the survivor having not supported the allegation against the present petitioners no. 1 and 2, who are paternal uncle (*Fufa*) and paternal aunt (*Fua*) of the survivor and petitioner no. 3, who is father of the co-accused Paplesh Kumar @ Kaplesh Kumar, respectively, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/-

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(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with POCSO Case No. 75 of 2024 arising out of Mahila P.S. Case No. 33 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS.

8. **The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.**

9. The office is directed to place the record of Criminal Miscellaneous No. 4388 of 2026 before the appropriate Bench after obtaining due permission from Hon'ble the Chief Justice.

(Purnendu Singh, J)

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