

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45436 of 2025

Arising Out of PS. Case No.-181 Year-2025 Thana- RAFIGANJ District- Aurangabad

1. Guddu Yadav @ Guddu Kumar S/O Ramkrit Yadav R/O Vill.- Chandraheta, Kerap, P.s.- Rafiganj, Dist.- Aurangabad
2. Ramkrit Yadav S/O Prayag Yadav R/O Vill.- Chandraheta, Kerap, P.s.- Rafiganj, Dist.- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bindiya Kumari D/O Indal Paswan R/O Vill.- Chandraheta, P.s.- Rafiganj, Dist.- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lalbahadur Singh, Advocate
For the Opposite Party/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 21-01-2026 Heard Mr. Lalbahadur Singh, learned counsel

appearing on behalf of the petitioners and Ms. Usha Kumari 1,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Rafiganj P.S. Case No. 181/2025 registered for the
offence(s) punishable under Sections
126(2),115(2),352,74,75,78(2) of the BNS; Sections 8,12 of
Protection of Children From Sexual Offences Act and Section
3(i)(r)(s)(2)(va) of SC/ST Act.

3. As per the allegation made in the FIR, on
23.04.2025, victim along with another minor victim had gone



for defecation, when petitioner no.1 namely Guddu Yadav forcibly caught hold of victim, molested her and attempted to drag her away. On resistance and alarm raised by the victims, villagers rushed to the spot, whereupon the accused fled away after issuing threats. Subsequently, when the informant's family protested at the house of the accused, co-accused Ramkrit Yadav along with his family members allegedly assaulted the informant's family and hurled abusive and caste-based insults and during inquiry both the victims have supported the prosecution case in their statements recorded under Section 183 of the BNSS Act.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and they have falsely been implicated in the present case. The petitioner no.1 has just emerged as an adult, being aged about 20 years and natural attraction for the opposite sex cannot be denied coupled with the several psychological and physiological change person undergo. He submitted that the petitioner no.2 is nowhere connected with the alleged offence and is innocent. The petitioners have clean antecedent. On these grounds, the 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 submitted that the victim in her statement recorded under Section 183 of BNSS has not supported the prosecution story.

6. Having considered the rival submissions made on behalf of the parties, as well, having perused the allegation made in the FIR and the fact that the petitioner, who is about 20 years old, has just emerged as an adult, going through psychological, physiological, as well as, biological changes and infatuation and attraction for the opposite sex is natural and he may be unaware of the rigors of his wrong doing. Consideration in this regard can be made in light of the law laid down by the Madras High Court in the case of *Vijayalakshmi & Anr. vs. State Rep. by the Inspector of Police & Anr.* reported in (2021) *SCC OnLine Mad 317*. The petitioner no.2, above named, also having clean antecedent, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending in connection with Rafiganj P.S. Case No. 181/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.



7. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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