IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55390 of 2026

CNR No. BRHC010676602026

Arising Out of PS. Case No.-27 Year-2023 Thana- MAHILA PS District- Khagaria

==========

Munna Yadav @ Munna Kumar Son of Dhanni Yadav Resident of Village- Farreh, P.S.- Chauthan, District- Khagaria

... ... Petitioner/s

Versus

1. The State of Bihar
2. X Son of Y Resident of Village- Farreh, Ward No. 10, P.S.- Chautham, District- Khagaria

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

==========

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

4 18-11-2026 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Khagaria Mahila P.S. Case No.27 of 2023 registered for the offence punishable under Sections 366A, 376, 34 of the Indian Penal Code and under Section 4 of the POCSO Act.

3. The case of the prosecution, in short, is that on 27.03.2023 while the minor daughter of the informant was sleeping with her grandmother, at 01:30 AM the petitioner along with four other persons arrived at the house of the informant, gagged the mouth of her minor daughter and on gunpoint took her in the orchard and committed gang rape. When the victim started

WEB COPY

crying, she was being threatened of dire consequences.

4. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It has been submitted that during course of investigation, victim has given her statement recorded under Section 183 of the BNSS wherein she has specifically stated that co-accused Santu Yadav has committed rape with her whereas this petitioner has pointed three-nut on her. It has also been submitted that medical examination of the victim was conducted and the Doctor conducting medical examination has not found any mark of violence over her body and genitalia. It has further been submitted that from perusal of the order of learned trial court it transpires that the age of the petitioner was 16 years 5 months and 17 days on the date of occurrence and i.e. why the trial is going to children court as the learned Juvenile Justice Board (J.J.B.) has sent the case before children court as the offence being heinous in nature and the age of the victim is between 16 to 18 years.

5. Learned counsel for the petitioner has submitted that as the petitioner is the Children in Conflict with the Law (C.I.C.L.), the provisions regarding bail are Section 12 of the J.J.B. Act wherein the ground for rejection is not the seriousness of the allegation rather the fact that if there is any chance of the

WEB COPY

petitioner getting in association with the other known criminals. There is no such allegation that there is chance of the petitioner being in contact with other known criminals in this case. Moreover, main thrust of allegation is against Santu Yadav. It has lastly been submitted that the petitioner is languishing in judicial custody since 08.01.2026 having no criminal antecedent.

6. Countering this, learned counsel for the informant has vehemently opposed the bail and has submitted that the bail application of similarly situated co-accused Santu Yadav has been refused by this Court and that the trial is in progress.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the court of learned Additional Judge, VIth-cum-Special Judge, POCSO Act, Khagaria in connection with Khagaria Mahila P.S. Case No.27 of 2023.

(Ashok Kumar Pandey, J)

durgesh/-

U		T	

WEB COPY