IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60476 of 2026

CNR No. BRHC010855582026

Arising Out of PS. Case No.-182 Year-2026 Thana- VIJAYEPUR District- Gopalganj

==========

Nitish Yadav @ Bechan Yadav S/o Umesh Yadav R/o Village - Vijaipur, P.S - Vijaipur, District - Gopalganj

... Petitioner/s

Versus

1. The State of Bihar Bihar
2. XXX D/o YYY R/o Village - Vijaipur, P.S - Vijaipur, District - Gopalganj

... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr.Ashok Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Shailendra Kumar Singh, Adv.

==========

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

4 04-11-2026 Heard learned counsel for the petitioner, learned counsel for the informant as well as learned A.P.P. on behalf of the State.

2. The petitioner has been made an accused in a case registered for the offences punishable under Sections 64(1), 137(2) and 3(5) of the B.N.S. and Sections 4 and 6 of the POCSO Act.

3. As per the allegations made in the F.I.R., the informant-cum-victim gave written information stating that she had gone to purchase articles from a grocery shop in Vijaipur Bazar, two persons were standing with a bullet motorcycle, and the victim was allegedly taken away by this petitioner, namely, Nitish Yadav @ Bechan Yadav.

4. Learned counsel for the petitioner submits that even though the victim supported the case under Section 180 and 183

WEB COPY

of the B.N.S.S., before the Trial Court she has been declared hostile by the prosecution, wherein she has stated to be of 18 years. A supplementary affidavit has been filed by the petitioner, and the deposition in question has been enclosed as Annexure P/5. Learned counsel for the informant also does not dispute this position. Learned counsel further submits that medical report does not support prosecution allegation against the petitioner. Learned counsel further submits that the petitioner has a clean antecedent and undertakes to cooperate in the trial and not to repeat any such offence.

5. The petitioner has been in judicial custody since 17.06.2026.

6. Learned A.P.P. on behalf of the State has opposed the application.

7. Taking into consideration the aforesaid fact that the victim before the Trial Court has not supported the prosecution allegation against the petitioner, and that the petitioner has clean antecedents, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-Cum-Special Judge, POCSO, Gopalganj or concerned Court, in connection with

WEB COPY

Vijaypur P.S. Case No. 182 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of the trial.

(ii) One of the bailors must be a close relative of the petitioner, such as his mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) If the petitioner repeats an offence of a similar nature, his bail bond shall be liable to be cancelled by the Court below after following due process of law.

(v) Before release, the learned Court below shall verify the criminal antecedent of the petitioner and if the petitioner is found involved in any case other than the present one, his bail bond shall not be accepted.

(vi) It is also made clear that there shall be no delay in verifying the criminal antecedents of the petitioner and the delay shall not extend beyond the period of ten days.

WEB COPY

(Raj Kumar, J)

prachi/-

U			

WEB COPY