IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64005 of 2026

CNR No. BRHC010911872026

Arising Out of PS. Case No.-169 Year-2026 Thana- Sarai P.S. District- Siwan

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Praveen Yadav, S/O Late Chhote Lal Yadav, R/O Village- Mahpur, P.S.- Sarai, District- Siwan.

... ... Petitioner/s

Versus

1. The State of Bihar
2. X, W/O Y, R/O Village- Mahpur, P.S.- Sarai, District- Siwan.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Priyanshu Kumar Singh, Advocate
For the Opposite Party/s : Mrs.Usha Kumari 1, APP
For the Informant : Mr. Hitesh Suman, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 29-10-2026 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant/opposite party no.2.

2. In the present case, the petitioner seeks bail in connection with Siwan Sarai P.S. Case No. 169 of 2026, registered for the offences under Sections 126(2), 115(2), 140(1), 351(2), 352 & 3(5) of BNS and Sections 3(1)(r)(s) & 2(va) of SC/ST (POA) Act and Section 8 of POCSO Act.

3. As per the prosecution case, the minor daughter of the informant was kidnapped by the petitioner at gunpoint.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been

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falsely implicated in this case. The FIR has been instituted after delay of one day without any proper explanation. The victim girl recorded her statement on the same day when the FIR was instituted. However, her statement is not believable that the petitioner committed rape with her as the medical report does not support such allegation as no evidence of sexual contact was found. Moreover, the victim girl stated that she was in contact with the petitioner for two years and the allegation of kidnapping in the manner as alleged is not believable. Learned counsel further submits that the occurrence has not taken place in public view and there is no material to show that any offence has been committed under the provisions of the SC/ST (Prevention of Atrocities) Act. The petitioner is in custody since 06.06.2026 and is having antecedent of one case in which he is on bail. Charge sheet has been submitted.

5. Learned APP appearing for the State as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that from the statement of the victim, it is apparent that she was on talking terms with the petitioner and she has specifically stated that the petitioner forced himself upon her and, thereafter, in the

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morning of 22.05.2026, he kidnapped her at gunpoint.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the medical report showing no sexual contact and further considering the nature of allegation, period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Siwan/ concerned court, in connection with Siwan Sarai P.S. Case No. 169 of 2026, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the

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petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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