IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65550 of 2026

CNR No. BRHC010918932026

Arising Out of PS. Case No.-14 Year-2026 Thana- MAHILA P.S. District- Sheikhpura

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Kali Yadav @ Rajiv Ranjan S/O Krishna Yadav R/O Rakarh, P.S.- Chewara, District- Sheikhpura.

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXXX W/O YYYY R/O Rankar, P.S.- Chemara, Distt.- Sheikhpura.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shasatakashi Singh, Adv.
For the State : Mr. Usha Kumari 1, Special PP
For the Op No. 2 : Mr. Pramod Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

3 30-10-2026 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. appearing for the State as well as learned counsel appearing on behalf of the informant.

2. Petitioner is in custody in connection with Mahila P.S. Case no. 14 of 2026 registered for the offence punishable under Section 75, 77, 78, 79, 352 & 3(5) of B.N.S. and Section 8 of the POCSO Act and Section 3(1)(r)(s), 3(2)(va) SC/ST Act.

3. The prosecution case, in brief, as alleged in the written report of the informant, is that the accused-petitioner, Kali Yadav, habitually harassed and molested the informant's minor daughter, aged about 15 years, while she was on her way to tuition. It is alleged that on 02.04.2026, at about 09:00 A.M.,

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when the informant was accompanying her daughter to her tuition class and reached near Hashaurhi More, the accused-petitioner, who was already lying in wait, started hurling obscene abuses at her daughter. When the informant objected to his conduct, the accused-petitioner, along with other co-accused persons, pointed a pistol at her, abused her and threatened to kidnap her daughter. It is further alleged that the accused-petitioner had previously molested and committed rape upon several other girls and has criminal antecedents, including Chewara P.S. Case No. 41 of 2020. It is also alleged that, following the incident, the studies of the informant's daughter have been severely affected.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that there is no specific allegation against the petitioner and the prosecution case is based on a false and concocted story. Learned counsel further submits that as per the averments made in the F.I.R., no offence under the SC/ST Act is made out. Learned counsel further submits that the allegations levelled against the petitioner are general and omnibus in nature. He further submits that there is a delay of 20 days in lodging the

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F.I.R., for which no plausible explanation has been furnished. Learned counsel further contends that the petitioner is in custody since 18.07.2026. Therefore, petitioner deserves the privilege of regular bail.

5. Learned A.P.P., appearing on behalf of the State, assisted by learned counsel appearing on behalf of the informant, vehemently opposes the prayer for bail and submits that the petitioner is a habitual offender, who used to harass the informant's minor daughter, aged about 15 years. Learned A.P.P. further submits that the allegations levelled against the petitioner are serious in nature and, therefore, the petitioner does not deserve the privilege of regular bail.

6. Having heard the rival submissions advanced on behalf of the parties and upon perusal of the materials available on record, as well as considering the facts and circumstances of the case, this Court, upon perusal of the F.I.R., finds that no specific allegation has been made to suggest that the alleged abuses were hurled at the informant in a place within public view. Accordingly, the essential ingredients for attracting the provisions of the SC/ST Act do not appear to be fulfilled. However, the allegation against the petitioner relates to the harassment and molestation of the informant's minor daughter,

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aged about 15 years. This Court also takes note of the fact that there is a delay of 20 days in lodging the F.I.R., for which no plausible explanation has been furnished by the prosecution. Having regard to the period of custody already undergone by the petitioner which is more than three months and the overall facts and circumstances of the case, this Court is of the considered opinion that the petitioner deserves to be enlarged on bail, accordingly, let the above named petitioner be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand), with two sureties of the like amount each to the satisfaction of the learned court of District & Additional Sessions-cum-Exclusive Spl. Judge (POCSO), Sheikhpura in connection with Sheikhpura Mahila P.S. case no. 14 of 2026, subject to the following conditions :-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

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(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Girijish Kumar, J)

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