

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73771 of 2025

Arising Out of PS. Case No.-293 Year-2025 Thana- KAUWAKOL District- Nawada

Shibu Yadav @ Shibu Mahto S/O Late Bhanu Yadav R/O Vill.- Mahuliyatar,
P.S.- Kauwakol, Dist.- Nawada. Petitioner/s

Versus

1. The State of Bihar
2. Nandni Devi W/O Anant Kumar Thakur R/O Vill.- Mahuliyatar, P.S.-
Kauwakol, Dist.- Nawada Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ambuj Nayan Choubey, Advocate Ms. Ankita Kumari, Advocate
For the O.P. No.2	:	Ms. Sanju Singh, Advocate
For the State	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 23-02-2026 Heard learned counsel for the petitioner, learned counsel
for the opposite party no.2 and learned APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 126(2), 115(2), 74, 76, 352,
351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section
8 of the POCSO Act.

3. As per the prosecution case, the petitioner is said
to have tried to commit rape against the daughter of the informant.

4. It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in this case on
account of a land dispute between the parties, who is around 60
years old man. It is further submitted that for an incident, which
took place on 14.07.2025, the F.I.R. was lodged on 19.07.2025,



after delay of five days, without tendering any plausible explanation to the same. Further, the medical examination has also been refused by the victim girl and the medical examination of the petitioner also does not indicate any laceration, bruise or scratch mark. The petitioner has no criminal antecedent and has been languishing in custody since 21.07.2025.

5. Learned APP for the State and learned counsel for the informant vehemently opposed the bail petition on the ground that the victim is a minor girl aged about seven years and has supported the prosecution case.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the case has been supported by the victim herself, I am not inclined to grant the privilege of bail to the petitioner at this stage in connection with Kauwakol P.S. Case No.293 of 2025. The prayer for bail is thus rejected with liberty to renew the said prayer in case no substantial progress is made in the case within a reasonable time.

(Soni Shrivastava, J)

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