

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78583 of 2025

Arising Out of PS. Case No.-149 Year-2025 Thana- BARARI District- Bhagalpur

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Rakesh Kumar Son of Laturi Yadav @ Gore Lal Yadav @ Latoriya Resident
of village - Domachak, P.O.- Laxmipur, Police Station - Laxmipur, District -
Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Komal Kumari Daughter of Satpal Yadav Resident of Village - Nand Lal
Mishra Lane Gali, Bari Khanjarpur, Police Station - Barari, District -
Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP
For the Informant : Ms. Sweety Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-01-2026 Heard Dr. Manoj Kumar, learned counsel for the

petitioner, Ms. Sweety Sinha, learned counsel for the

informant and Mr. Sunil Kumar Pandey, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
06.09.2025 in connection with Barari P.S. Case No. 149 of
2025, F.I.R. dated 26.05.2025 for the offences punishable
under Sections 88 and 96 of the BNS, 2023 and Sections 3/4,
5/6 and 8 of the POCSO Act.



3. According to prosecution case, this petitioner had established physical relation with the victim on the pretext of marriage and later on cancelled the marriage on non-fulfillment of demand of dowry. It is further alleged that the petitioner threatened her to kill her father and sister.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the F.I.R is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. In fact, the petitioner was in love with the victim girl and victim has been recovered and her statement was recorded under Section 183 of the B.N.S.S in which she has stated that she has performed marriage with the petitioner in the temple and thereafter, the family member of the petitioner refused to perform their arranged marriage and due to this reason the present F.I.R has been lodged. Thereafter, both the parties have filed compromise petition before the trial court and the petitioner is ready to keep the victim as his wife. The petitioner is in custody since 06.09.2025.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor support the contention



of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Exclusive Special Court of POCSO-cum-District and Additional Sessions Judge-VI, Bhagalpur in connection with Barari P.S. Case No. 149 of 2025, 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 tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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