

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81925 of 2025

Arising Out of PS. Case No.-57 Year-2025 Thana- BARARI District- Katihar

=====

Muni Lal Yadav @ Munna Yadav S/O Late Upendra Prasad Yadav @ Late Upendra Yadav Resident of Village - Rounia Ward No.-2, P.S- Barari, Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nilam Devi W/O Sanjay Rabidas Resident of Village - Rounia, P.S- Barari, Distt.- Katihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Md Musowir, Advocate
For the Opposite Party/s : Mr.Sadanand Paswan, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 25-03-2026 Heard Mr.Md Musowir, learned counsel for the petitioner, learned counsel for the informant and Mr.Sadanand Paswan, learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since 25.02.2025 in connection with Barari P.S. Case No. 57 of 2025, F.I.R. dated 24.02.2025 registered for the offence punishable under Sections 65(1),351(2),(3)of BNS and Sections 4/6 of the POCSO Act and Sections 3(1)(r)(s)/3(2)(v)(a) of SC/ST Act.

3. Allegation against the petitioner is that he took away the victim and committed rape with her and used caste-related words against the victim's family.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and due to village politics, the petitioner has falsely been implicated in the present case, apart from that, the date of occurrence as alleged in the FIR is 24.02.2025 and medical examination of the victim was conducted on the same day but no sign of rape was found on the person of the victim. The police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 25.02.2025.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, have vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim under Section 183 of BNSS, 2023 was recorded in which she has fully supported the case of the prosecution.

6. Vide order dated 18.02.2026, a report was called for with regard to the present stage of the trial. Report of the learned Trial Court dated 02.03.2026 reveals that the case is pending for evidence on behalf of the prosecution and no witness has been examined as yet.



7. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and petitioner is in custody since 25.02.2025 more than one year, apart from that, medical report does not support the allegation as alleged in the FIR.

8. Considering the aforesaid facts, petitioner has clean antecedent as well as the report of the learned Trial Court, 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 learned District & Additional Sessions Judge-VII-cum-Special Judge, POCSO, Katihar in connection with Barari P.S. Case No. 57 of 2025, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

Nitesh/-

U		T	
---	--	---	--

