

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85928 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- Pastpar Pusthi District- Saharsa

Rambadan Yadav Son of Jogi Yadav Resident of Village - Mangrauni, Ward no. 4, P.S. - Mahishi, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Y R/o Village - Paharpur, Ward no. 15, P.S. - Pastpur, Dist. - Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Advocate
For the State	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Buddhi Lal Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the informant. Perused the case diary.

2. The petitioner seeks bail in connection with Special POCSO Case No. 109 of 2025, arising out of Pastpar P.S. Case No. 37 of 2025 instituted for the offence under Sections 137(2) & 96 of the Bharatiya Nyaya Sanhita, 2023, Sections 4 & 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

3. Prosecution case, in a nutshell, is that accused persons, including the petitioner, allegedly kidnapped the minor daughter of the informant.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27.07.2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired during investigation. As per statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that she had gone with the petitioner at her own volition and had performed marriage with the petitioner. As per medical report, age of the victim is assessed to be between 17 to 20 years.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is mainly submitted that victim is minor and police has submitted charge sheet in this case under Sections 137(2), 96 & 64(1) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 & 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

7. Considering the aforesaid facts and circumstances of the case and specifically taking into account the fact that victim is minor, hence, there is no value of consent in the eye of



law, moreover, charge sheet is submitted under Sections 137(2), 96 & 64(1) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 & 6 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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