

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87551 of 2025

Arising Out of PS. Case No.-164 Year-2025 Thana- KISHANPUR District- Supaul

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PAPPU YADAV @ PAPPU KUMAR Son of Premlal Yadav Resident of
Village - Dighiya, Ward No.- 11, P.S.- Kishanpur, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. XXX Son of YYY Resident of village - Dighiya, P.S.- Kishanpur, District - Supaul

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Nafisu Zzoha, Adv.
For the Opposite Party/s :	Mr.Anish Chandra, APP
	Mr. Ranjay Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kishanpur P.S. Case No.164 of 2025 (POCSO Case No.99
of 2025) registered for the offence under Sections 126(2),
115(2), 76, 352(2), 351(2), 3(5) of BNS and Sections 4, 8 of
POCSO Act.

3. As per prosecution case, on 11.08.2025 at about
11:00 PM in the night, the informant's daughter aged about 11
years was sleeping at his home and the informant and his family
members were busy in the *Shradh* rituals. In the meantime,
Pappu Yadav entered in the house of the informant and



threatened and molested the informant's daughter and tried to commit rape with her. When after the feast, the informant and his family members returned home, the girl while crying, narrated the entire incident to them. By then Pappu had fled from the incident place. Thereafter, While discussing this misdeed at the social level the culprit, was asked to receive severe punishment. Then, Mr. Dinesh Yadav, using abusive and derogatory language, boycotted the discussion and tried to protect the accused. The informant took his got treated his daughter at the local C.H.C, Kishanpur". Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in this case. Further submits that the informant and petitioner belongs to the same neighbourhood and a monetary transaction took place in between them. It is next submitted that the case is fully concocted because of the occurrence as alleged has taken place at 11 P.M. when all family members had gone to attend *Shradh* rituals in the neighbourhood, while the Shradh rituals started to taken place in the evening hours at about 6-9 P.M.

Learned counsel for the petitioner also submits that the occurrence as alleged has never been taken place, if it is so,



there must be a sign of assault on external parts of the body of the victim, but it was not found and no claim of informant is there. It is also submitted that denial of the medical examination of the daughter creates doubt upon the entire prosecution. Further submits that the co-accused Dinesh Yadav is the cousin brother of the petitioner who used to participate in the Panchayat election and the present Mukhiya of the said panchayat is having inimical terms with co-accused Dinesh Yadav due to which the present false and concocted case has been brought against the petitioner and his cousin.

Learned counsel for the petitioner next submits that the petitioner is a married man and his wife is a member of Jeevika and having three minor children and his daughter is also about the age of victim girl so he can't commit this type of occurrence and the I.O of the case examined only interested witnesses and family members of the informant while two independent witnesses are there who are also family members of the informant, which creates doubts upon the prosecution.

5. The learned APP as well as learned counsel for the informant opposes the anticipatory bail application.

6. From the reading of the FIR, it transpires that the petitioner is the main accused person of this case, who in the



absence of the parents of the minor girl entered her house and molested the victim and is also alleged to have attempted to commit rape with the minor victim. In paragraph-2 of the case diary in his re-statement the informant has supported the facts mentioned in the FIR. In paragraph 3 & 4 of the case diary the witnesses Meera Devi and Kajal Devi have supported the prosecution story. Statement of the victim also supports the prosecution story and in her statement made before the learned Magistrate under Section 183 of BNSS the victim has once again supported the prosecution story. Admittedly, the victim was/is minor on the date of the incident.

7. Considering all these aspects of the matter, this Court is not inclined to grant the anticipatory bail to the petitioner.

8. Accordingly, the anticipatory bail application is rejected.

(Alok Kumar Sinha, J)

Prakash Narayan

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