

Schedule XL11- High Court (J) 9s.{Old (M.) 164.}

IN THE COURT OF DISTRICT & ADDL. SESSIONS JUDGE-cum-SPECIAL JUDGE POCSO ACT, SUPAUL
Present:- RAJESH KUMAR IV, DISTRICT & ADDL. SESSIONS JUDGE-cum-SPECIAL JUDGE POCSO ACT, SUPAUL

ABA- 402/2026
G.R CASE NO-81/2026

AJAY KUMAR YADAV @ ANIL KUMAR V/S STATE (Through Informant)

- Learned Counsel For the petitioner/Accused— Shri Brajesh Kumar Singh Ld. Adv.
- Learned Public Prosecutor — Sri Mahendra Prasad Sah, Spl. P.P.

MAURANA P.S. CASE No. 01/2026
Under Sections—137(2), 96, 352, 351, 3(5) of BNS

Serial No.	Date of order of proceeding	Order with signature of the court	Office action taken with date
1	2	3	4
	24-04-2026	<p style="text-align: center;"><u>ORDER</u></p> <p>The Instant Anticipatory bail petition has been filed by the petitioner/accused Ajay Kumar Yadav @ Anil Kumar S/o Laxman Yadav, R/o village-Parikonch, Toal-Khap, Ward No-05, P.S. Maurana District Supaul, who is apprehending his arrest, in connection with Maurana P.S. case-01/2026, registered Under Sections— 137(2), 96, 352, 351, 3(5) of BNS pending before Miss Rakhi Kumari J.M 1st class, Supaul. Copy of A.B.A has been served upon Learned Special Public Prosecutor. After hearing both sides through physical hearing, the case record is presented for order.</p> <p>The instant Case has been registered under aforesaid sections on the basis of typed written FIR application filed by the informant (father of the victim).</p> <p>As per prosecution's case, "on 09.01.2026, Friday at about 08:00 P.M in the night. The informant's daughter XXX aged about 15 years had gone to grinding wheat at the machine of Asharfi Sah and in the meant time his daughter XXX was kidnapped by Ajay Kumar, Rajkumar Yadav, Laldu Kumar Bhagdev. When the informant's daughter did not return the informant started searching for her daughter. In the meantime, the above three brothers have forcibly taken away the victim. This information was given by Maujelal Bharat, Laxman Yadav, Maujelal Anita Devi Sugiya Devi that Ajay Kumar and Laltu have kidnapped the victim on this matter Maxman Yadav , Maujelala Anita Devi and Sugiya Devi stated talking nonsense abusing, fighting and restored to bloodshed and said that the three boys have kidnapped his daughter with our consent. Run away from here or else we will beat you up and ruin me and while giving some threats he said that you want to go wherever you want do whatever you want, no one can harm us the above three elders have kidnapped his daughter from another state ith the</p>	

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		<p>intention of selling her to another state, in this case Prabhash Kumar, Vimal Mukhiya, Lalan Kumar and Satish kumar all accused are involved in this incident.</p> <p>The Learned counsel for petitioner has submitted that, "That, no any bail petition on behalf of the petitioner has been filed earlier either in this court or before the Hon'ble High Court, Patna. That, the petitioner is quite innocent and has committed no any offence as alleged in the FIR. That, the instant case is totally false and concocted and has been filed at the instance of O.P of the Petitioner's father only to put pressure. That, the informant is not eye witness of the alleged occurrence and has not disclosed the name of the person who convey to him which creates serious doubt. That, all the Sections are bailable except section 96 of BNS. That,, if the FIR version will be taken at its face value no offence under Section 96 of BNS is made out. That, no any force has been used by the petitioner. That, the so-called victim has denied her kidnapped or inducement by any one and such no offence is made out. That, the petitioner will not misuse the privilege of bail in any manner. That, the petitioner is ready to abide the term and condition as laid down under Section 482(2) of BNSS. That the petitioner is also ready to furnish sound sureties as per this court. On these grounds, Learned Counsel for the petitioner prayed for the privilege of Anticipatory bail to the petitioner Ajay Kumar Yadav @ Anil Kumar.</p> <p>Whereas Learned Special Public Prosecutor appearing for the State, vehemently opposed the bail petition of the accused petitioner and submitted that, "this petitioner is the main accused of this case, who forcibly grabbed the victim caught hold her, kidnapped with intention to sell the victim in another state. There is ample material available in the case diary. There is serious and specific allegation against this petitioner." Learned Public Prosecutor prayed for the rejection of instant bail petition filed on the behalf of petitioner/accused Ajay Kumar Yadav @ Anil Kumar.</p> <p>Heard both the sides and perused the entire case record. The petitioner is FIR named accused person of this case. As per contents of F.I.R. the petitioner is main accused of this case who forcibly grabbed the victim caught hold her, kidnapped with intention to sell the victim in another state. In her re-statement of informant as mentioned in Para-02 of the case diary, statements of witnesses in Para-06, 43 and 44, 45 of case diary, namely mother of victim, Satyanarayan Yadav, Upendra Yadav and Sanjay Kumar Yadav have fully supported the case of the prosecution and stated regarding direct involvement of this petitioner in alleged occurrence. As per in Para-24 and in Para-33 of the case diary, the statement of victim (XXX name hidden) u/s 180 of B.N.S.S and 180 of BNSS. (xerox copy attached with the Case Diary) has been mentioned in which victim</p>	
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has not supported the case of prosecution. In Para-26 of case diary, report regarding date of birth of victim has been mentioned issued by Headmaster of Uttkrmit Madhya Vidyalaya Parikoch Pakhtola her date of birth is 01.01.2011. Accordingly, the victim was minor on 09.01.2026, the date of the incident. As per in Para-37 of the case diary in Medical Examination Report of the victim in gynac Examination portion of Report it has been mentioned that "No fighting sign or any sign of any sign of physical assault found but "rape" cannot be ruled out." As per para-51 of case diary this case is found true against this petitioner under Sections 137(2), 87, 96, 65(1)/3(5) of BNS, under Section 4/6 of POCSO Act and under Section 09 Prohibition of Child Marriage Act. There is serious and specific allegation against the accused petitioner. Investigation of this case is still going on.

Under facts and circumstances of this case and on the basis of discussion made herein before, I am not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the anticipatory bail Petition dated 11-03-2026 filed on the behalf of petitioner/accused **Ajay Kumar Yadav @ Anil Kumar** is hereby **rejeced**.

RAJESH KUMAR- IV
DISTRICT & ADDL. SESSIONS JUDGE
-cum-
SPECIAL JUDGE-POCSO ACT, SUPAUL

Date of Order	24-04-2026
Date of Reserving Order	24-04-2026
Uploading Date	25-04-2026
Uploaded by	RAJEEV KUMAR