

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37039 of 2020**

Arising Out of PS. Case No.-171 Year-2019 Thana- DHANAHA District- West Champaran

RUDAL YADAV, SON OF JEEVDHAN YADAV RESIDENT OF VILLAGE  
SEMARIYA P.S. DHANAHA DISTRICT WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

4      27-05-2021                      Heard Mr. Bimlesh Kumar Pandey, learned  
  
counsel for the petitioner and Mr. Mukesh Kumar Singh,  
  
learned APP for the State.

The petitioner seeks bail in connection with  
  
Dhanaha P. S. Case No. 171 of 2019, instituted for  
  
offences under Sections 341, 323, 376 and 34 of the  
  
Indian Penal Code

The prayer for bail of the petitioner was earlier  
  
rejected *vide* order dated 04.02.2020, passed in Cr.  
  
Misc. No. 6250 of 2020. While rejecting the prayer for  
  
bail, a Bench of this Court had observed that the  
  
petitioner could renew his prayer for bail once the



charges in this case were framed.

The petitioner has approached this Court as the charges have been framed but there has not been any progress in the trial and the petitioner is in custody since 18.10.2019.

The learned counsel for the petitioner has submitted that there are huge gaps/chinks in the prosecution version. The petitioner is alleged to have caught-hold of the legs of victim when she was being raped by his brother. The victim had gone to hospital along with her husband but the husband did not choose to file any case against the petitioner.

He has further submitted that the story does not appear to be probable as two brothers are not expected to commit this kind of an offence together.

Apart from this, it has been submitted that after about two days of the occurrence, the victim had gone to the hospital and had narrated the entire story to the nurse. It was thereafter, that the police was called



and the F.I.R. was registered.

Though the petitioner was given the liberty to renew his prayer for bail after framing of charges but considering the gravity of accusation against the petitioner, I am not inclined to exercise my discretion for grant of bail to the petitioner.

The prayer for bail is rejected.

However, if there is no substantial progress in the trial within the next nine (9) months, it would be open for the petitioner to approach the court below and in that event, the court below shall be under an obligation to record the reasons for the non-conclusion of the trial.

The application stands disposed off accordingly.

**(Ashutosh Kumar, J)**

skm/-

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