

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5243 of 2025

Arising Out of PS. Case No.-280 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Sunil Yadav @ Maikal Yadav @ Maikal Jakshan Son of Ramdeo Yadav
Resident of Village - Sara Mahamad, P.S. - Sadar, District - Darbhanga
 2. Sunil Yadav Son of Munchun Yadav Resident of Village - Sara Mahamad,
P.S. - Sadar, District - Darbhanga
 3. Jaiprakash Yadav Son of Late Jharilal Yadav Resident of Village - Sara
Mahamad, P.S. - Sadar, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Adv.
For the Opposite Party/s : Ms. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 29-04-2025 Heard learned counsel for the petitioners and learned
APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Sadar
P.S. Case No. 280 of 2024 instituted for the offences under
Section 70(1) of the B.N.S., 2023.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing rape
upon the Informant while she was sleeping with her two
children.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence as



alleged against them and have falsely been implicated in the present case due to dirty village politics. The petitioners have not committed any offence as alleged in the F.I.R. Learned counsel for the petitioners further submits that the victim was examined by the doctor on the same day but, no positive sign of rape was found. The doctor has also not found any external or internal injury upon the victim/informant. He further submits that the investigation is completed and the Investigating Officer has submitted charge-sheet on 15.10.2024 under 70(1) of the B.N.S. The petitioner no.1 has three criminal antecedents whereas petitioner nos. 2 & 3 have no criminal antecedent and they are languishing in judicial custody since 22.07.2024 without any rhyme or reason. Learned counsel for the petitioners further submits the trial is already in progress and four witnesses have also been examined as yet who have not supported the prosecution case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners is serious in nature. The victim girl, in her statement recorded under Section 183 of the B.N.S.S., has made direct and specific allegation against the accused persons including the



petitioner of entering into the room and, thereafter, committing rape upon her. The petitioners are named in the F.I.R. and, hence, they do not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence and taking into account the statement of the victim recorded under Section 183 of the B.N.S.S. as also the trial which is already in progress, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, the prayer for bail of the petitioners, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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