

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9730 of 2025

Arising Out of PS. Case No.-444 Year-2020 Thana- PHULPARAS District- Madhubani

Uday Kumar Yadav S/o Musaharoo Yadav R/O- Village- Phulparas, P.S.-
Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

Mr. Gagan Deo Yadav, Advocate

Mr. U. K. Yadav, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-05-2025 Heard Mr. Ravi Prakash, along with Mr. Gagan Deo Yadav and Mr. U. K. Yadav, learned counsels appearing on behalf of the petitioner and Mr. Md. Mushtaque Alam, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Phulparas P.S. Case No. 444 of 2020 registered under Sections 376,34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner locked the door of the informant's (victim's) room and committed wrong with her by stuffing cloth in her mouth.

4. Learned counsel appearing on behalf of the



petitioner submitted that the victim/informant has not recorded her statement under Section 164 of the Cr.P.C. and the petitioner has falsely been implicated in the present case due to previous enmity. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, in view of the allegation being specifically made against the petitioner that he has committed wrong with the victim/informant by stuffing cloth in her mouth and also the learned District Court in its impugned order has made an observation that statement of the victim under section 164 of the Cr.P.C. has not been recorded, I find that it is premature to assess that the petitioner is innocent.

7. The learned District Court is directed to record the statement of the victim under section 164 of the Cr.P.C. and pass a necessary order, in accordance with law, without being prejudiced by the order dated 07.06.2024.

8. The above exercise is directed to be completed, expeditiously, well within a period of four weeks.

9. Accordingly, the present bail petition stands



disposed of.

10. In the meantime, no coercive steps shall be taken against the petitioner in connection with the aforesaid case.

Ashishsingh/-

(Purnendu Singh, J)

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