

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26464 of 2025**

Arising Out of PS. Case No.-315 Year-2024 Thana- PARBATTa District- Khagaria

Brajesh Yadav S/o Chhabbu Yadav R/o Village- Salarpur, P.S.- Parbatta,
District- Khagaria (Bihar)

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Ms. Seema Kumari, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

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

ORAL ORDER

3 30-07-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Parbatta P.S. Case No. 315 of 2024, instituted for the offences
punishable under Sections 64(2)(1), 126(2), 351(2), 352, 303(2)
and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that the petitioner
has committed rape upon the informant while she was sleeping
in her house.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case.



Learned counsel for the petitioner also submits that the informant is sister-in-law of the petitioner and she had demanded money from the petitioner but due to non-fulfillment of her demand, she has implicated the petitioner falsely in this case. It is further submitted that medical report of the informant does not support the prosecution case and there is land dispute between husband of the informant and the petitioner. The petitioner is in custody since 12.09.2024 and has got one criminal antecedent in which he is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that on perusal of record it appears that there is direct and specific allegation against the petitioner of committing rape upon the informant. It is further submitted that the informant has also supported the prosecution case in her statement recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner at this stage.



7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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