

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22913 of 2025

Arising Out of PS. Case No.-48 Year-2024 Thana- MAHILA PS District- Gaya

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Dinesh Yadav @ Bhutalu S/o Akawali Yadav @ Akbali Yadav @ Akbali
Yadav Yadav R/o Village- Boknari, P.S.- Paraiya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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

ORAL ORDER

5 24-07-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Gaya
Mahila P.S. Case No. 48 of 2024 instituted for the offence under
Sections 329(4), 126(2), 115(2), 64, 303(2), 352 & 3(5) of the
Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is based on the fardbeyan of
Jhalo Devi, who alleged that on 17.11.2024 at around 10:00
P.M., two co-villagers, petitioner and Bagalgir Bam, entered her
house, molested her, and stolen Rs. 1 lakh. Accused, namely,
Bam was caught by her husband and son, but his parents
arrived, assaulted them, and helped him escape.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 20-11-2024. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case due to village-level political rivalry and a petty drainage dispute. No such incident, as alleged in the FIR, actually took place, and the story has been fabricated to harass the petitioner. Even the FIR reveals no specific role or offence under any section of the BNS, 2023. There is unexplained delay in lodging the FIR, and no injuries have been found on the informant or his family. Allegation against the petitioner is confined to taking away Rs. 1 lakh and there is no allegation of sexual assault against the petitioner. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that victim has fully supported the prosecution case and she has deposed that petitioner took away Rs. 1 lakh. As per medical report, there is no sign of sexual intercourse.



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no allegation of sexual assault against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gaya Mahila P.S. Case No. 48 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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