

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34740 of 2025

Arising Out of PS. Case No.-85 Year-2021 Thana- MAHILA P.S. District- Samastipur

Yogendra Sah, S/o Late Bhuttu Sah, R/o Village- Madanpur Pokhraise, Ward
No. 4, P.S.- Samastipur Muffasil, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad, Adv. Ms. Rani Shashi Bharti, Adv.
For the Opposite Party/s	:	Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 5 17-12-2025 1. Heard Mr. Bijay Bhushan Prasad, learned counsel
for the petitioner and Mr. Murli Dhar, learned APP for the State.
2. The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 85 of 2021, dated 17.10.2021, registered
for the offences punishable under Sections 376 and 506 of the
Indian Penal Code.
3. As per the prosecution story, informant alleged that
on the night of 15.10.2021, her daughter aged about 24 years,
was sleeping on the verandah of her house. At about 2:45 a.m.
on 16.10.2021, she heard her daughter crying and came out and
saw Yogendra Sah (petitioner), a co-villager, lying on her
daughter and sexually assaulting her. On seeing the informant,
he ran away taking advantage of the darkness. The informant



informed the villagers, and a Panchayat meeting was held, but the accused refused to accept it and threatened her. Thereafter, she went to the police station and submitted a written application. As per informant victim is mentally and physically disabled and unable to speak.

4. The main submission advanced by the learned counsel for the petitioner are that the petitioner has been languishing in jail since 29.11.2024, the informant's daughter who is said to be the victim is unable to speak and mentally challenged and the whole case of the prosecution is based on the evidence of the informant alone who has already been examined before the trial court and no incriminating medical evidence supporting the allegation of rape was found during the medical examination of the victim, in fact, there was a money transaction dispute between the petitioner and the informant due to which a false story was concocted by the informant.

5. Learned counsel appearing for the State has opposed the bail prayer of the petitioner and submits that the petitioner took advantage of the victim's mental condition and sexually assaulted her though the victim is unable to speak but the informant claims to be an eyewitness to the occurrence and has supported the said allegation before the trial court. It is



further submitted that the victim was medically examined two days after the occurrence and prior to that Panchayat meeting was held in between both the parties which was the main reason for the delay in the registration of the FIR as well as the medical examination of the victim and there is nothing to support the petitioner's defence as to a money transaction dispute in between the petitioner and the informant.

6. Considering the seriousness of the allegation appearing against the petitioner which relate to sexual assault allegedly committed by him with a completely handicapped woman and the informant is said to be an eyewitness of the occurrence, this court is not inclined to grant the relief of bail to the petitioner. Accordingly, his prayer stands rejected.

7. The petitioner may renew his bail prayer after the examination of all the material witnesses of the prosecution.

(Shailendra Singh, J)

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