

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47239 of 2025

Arising Out of PS. Case No.-208 Year-2024 Thana- GWALPARA District- Madhepura

Ratan Yadav @ Ratan Kumar Yadav S/o- Sabit Lal Yadav Resident of village-
Gwalpara Ward No- 08 PS-Gwalpara Dist-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rupesh Kumar, Adv
	:	Mr. Kumar Rajdeep, Adv
For the Opposite Party/s	:	Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Gwalpara
P.S. Case No. 208/2024, registered for the offence under Sections
126(2), 127(2) and 70(2) of the BNS.

3. The accused/petitioner is not named in the F.I.R. and
is in custody since 26.12.2024.

4. As per FIR, two named co-accused persons
committed rape upon the informant aged about 24 years, wife of
one Siyaram Suthiar.

5. Learned counsel appearing on behalf of the petitioner
submitted that as per FIR and statement of victim as recorded
under Section 164 of Cr.P.C., the thrust of allegation *qua*



committing rape is available against two named co-accused persons i.e. Manish Thakur and Rajesh Yadav. It is submitted that out of village politics, petitioner was implicated as unknown accomplice of the named main co-accused. There is no allegation against petitioner to commit rape, rather implicated with general and omnibus allegation as to confine husband of the informant unlawfully in his home while occurrence committed upon the informant outside home in an orchard. It is further submitted by learned counsel that the victim examined within 48 hours of the occurrence but upon her medical examination, no recent sign of intercourse was noticed and no injury was also found on private part of the victim, further making allegation *prima facie* false on its face. It is submitted that petitioner found involved in eight more cases, where he is on bail and his criminal antecedents is also one of the reason for implication with the present occurrence. It is submitted that if merit of this case appears favorable, merely on the ground of criminal antecedents, ordinarily prayer of bail of petitioner should not be declined. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of Uttar Pradesh and Another, [(2020) 11 SCC 648]**. While concluding argument, it is submitted that investigation of this case



is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of fact as allegation of rape is not available against this petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 26.12.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Gwalpara P.S. Case No. 208/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Udakishunganj, Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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