

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67769 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- UDAKISHUNGANJ District-
Madhepura

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1. Raja Yadav @ Raj Kumar Son of Yogendra Yadav @ Yogendr Yadav R/o Village-Anandpura (Anandpur) P.s.-Udakishunganj District-Madhepura
 2. Kunal Yadav @ Kundan Kumar Son of Khokha Yadav R/o Village-Anandpura (Anandpur) P.s.-Udakishunganj District-Madhepura
 3. Mithilesh Yadav @ Mithilesh Kumar Son of Late Laxmi Yadav R/o Village-Barahi (Barahi goth) P.s.-Udakishunganj District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv Mr.Pawan Kumar, Adv
For the Opposite Party/s	:	Mr.Rajendra Singh, APP Mr. Bhubneshwar Mahto, Adv Mr. Ravi Ranjan Mallick, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-10-2025 1. Heard learned senior counsel for the petitioners

Shri N.K. Agarwal, learned A.P.P. for the State and the learned

counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case

registered for the offences punishable under Sections 103(1),

70(1), 303(2) and 3(5) of the Bharatiya Nyaya Sanhita.
3. Learned senior counsel for the petitioners submits

that the petitioners are persons with clean antecedent the

informant alleges that naked body of his sister-in-law was found

lying in her house, thus based on suspicion, alleges that Md.

Saddam, Nusrat Praveen, Ratan, Nishtu, Nitish and Tarachandra



committed rape, further Raja, Kunal and Mithlesh raped her in turn and they took away her ornaments.

4. Learned senior counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eye-witness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that even the post-mortem report does not corroborate the allegation of rape rather records – asphyxia due ligature strangulation being the cause of death. Learned senior counsel further submits that it absolutely does not stand to reason that on what basis the informant, who is not an eye-witness to the occurrence, alleged that petitioners committed rape of the deceased.

5. Learned counsel appearing on behalf of the informant, at this stage, submits that on 21-3-2025 the deceased had gone to her field, when Saddam, husband of the present Mukhiya namely Nusrat, along with 4-5 unknown accused came to the field and Saddam asked the deceased to establish physical relation on the pretext that she will get Indra Awas Yojna, but then the deceased refused and thereafter came back home and informed her husband, Raushan, about the occurrence,



accordingly Raushan along with the deceased went to the house of Saddam to confront him, but then they were assaulted, thereafter the deceased went to police station for instituting an FIR, but then the FIR was not instituted, as such the deceased on 2-4-2025 sent an e-mail to the SHO of the concerned PS abreasting him of the occurrence, which took place on 21-3-2025.

6. At this stage, the learned senior counsel appearing on behalf of the petitioners submits that similarly situated co-accused Md. Saddam and three others approached this Court seeking anticipatory bail by filing Cr Misc No. 65591 of 2025 in which a counter-affidavit on behalf of the informant has been filed and the copy of the counter-affidavit filed in the said case is shown to the Court for perusal and from perusal of the counter-affidavit, it manifests that the deceased on 2-4-2025 had e-mailed the SHO of the concerned PS with regard to the occurrence committed by Saddam and his associates on 21-3-2025, wherein she alleged that Saddam along with 4-5 unknown accused came to the field with an intent to commit rape. The learned senior counsel next submits that even deceased did not disclose the name of the petitioners in her application sent to the SHO through e-mail, but then the informant, who is not an



eyewitness, alleges that petitioners committed rape in turn leading to the death of the deceased when the post-mortem report belies the said allegation. The learned senior counsel appearing on behalf of the petitioners further submits that it absolutely does not stand to reason that as to why the deceased on 2-4-2025 sent an e-mail to the concerned SHO, the same could have been sent on 22-3-2025 itself if police was refusing to institute an FIR. It is also submitted that on 22-3-2025 Nusrat Praveen had instituted Udakishunganj PS Case No. 90 of 2025 against the husband of the deceased in which the husband of the deceased was arrested and as such the deceased in order to coerce Saddam and his family members including his supporters into submission instituted the instant case. It is submitted that petitioners are not related to Saddam in any manner nor the deceased in her complaint before the SHO sent through e-mail has disclosed the name of the instant petitioners but then the informant for reasons best known implicated them with allegation of rape, which does not get corroborated by the post-mortem report. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

7. Considering the submissions made by the learned



senior counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Udakishunganj P.S. Case No. 120 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners, despite giving assurance to this Court, are not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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