

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.196 of 2025

Arising Out of PS. Case No.-341 Year-2023 Thana- MANSI District- Khagaria

Durgesh Yadav Son of Jungbahadur Yadav Resident of Village - Thatha, P.S. -
Mansi, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for
offence under Section 376(D) of the Indian Penal Code.

3. As per prosecution case, this petitioner alongwith
other two co-accused persons committed rape with the
informant and also threatened not to disclose the ordeal to
anyone.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Medical
report does not support the prosecution case. According to
opinion of Doctor, "*No evidence of deposition of semen inside
vagina within 48-72 hrs.*". Learned counsel further submits that
during trial, the informant (victim), who was examined as P.W.-
2, has not recognized this petitioner and other two co-accused



persons. She also deposed that this petitioner has not committed rape upon her. Similarly situated co-accused Pappu Yadav has already been granted regular bail by this Court, vide order dated 11.04.2025 passed in Cr.Misc. No. 82012 of 2024 (Annexure – 6 to supplementary affidavit). Petitioner is in custody since 23.08.2024. Chargesheet has been submitted.

5. Learned A.P.P. for the State vehemently opposed the bail petition.

6. Considering the deposition of informant and period of custody, let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 341 of 2023.

(Prabhat Kumar Singh, J)

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