

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31855 of 2026

Arising Out of PS. Case No.-496 Year-2023 Thana- GOGRI District- Khagaria

1. Harvallav Yadav, aged about 55 years, Gender- Male, son of Ghultu Yadav, resident of Village- Fudakichak, P.S- - Gogri, Distt.- Khagaria (Bihar).
 2. Barun Yadav @ Baralal @ Baarun Yadav, aged about 45 years, son of Jitan Yadav, resident of Village- Saidpur Balha, P.S- Mansi, Distt.- Khagaria (Bihar).
 3. Kundan Yadav @ Prince Kumar, aged about 40 years, Male, son of Sanjay Yadav, resident of Village- Awasbord, P.S- Mufassil, Dist.- Khagaria (Bihar).
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Seema Kumari, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-05-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Gogri PS Case No.496 of 2023 dated 29.12.2023, instituted
under Sections 341, 448, 376, 511, 504, 509/34 of the Indian
Penal Code.

3. The prosecution case, in brief, is that on the alleged
date of occurrence the petitioners and one more accused entered
into the house of the informant and started abusing her. When
she raised objection, accused persons dashed her on the ground
and tried to commit rape with her due to which she sustained



injury. They also threatened to kill the informant if she reports the matter to the police station.

4. Learned counsel for the petitioners submits that the petitioner no.1 is the brother of the husband of the informant and petitioner nos. 2 and 3 are the sons-in-law of the petitioner no.1. It is submitted that the FIR has been lodged against four persons including the wife of the petitioner no.1. Both sides are agnates and the allegation of attempting to commit rape upon the informant is apparently false and concocted. As alleged, such attempt was made in presence of the wife of the petitioner no.1, which is highly unbelievable. Therefore, the offence under Section 376/511 of the Indian Penal Code would not be made out and other sections are bailable. Lastly, it is submitted that petitioner nos. 2 and 3 have clean antecedents while six criminal cases are pending against petitioner no.1.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate, Khagaria, in Gogri PS Case No.496 of 2023, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

U		T	
---	--	---	--

