

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76726 of 2025

Arising Out of PS. Case No.-15 Year-2017 Thana- CHUTIA SAHAYAK District- Rohtas

Baban Yadav S/O Ram Janam Yadav R/O Village- Tiura, P.S- Chutiya, Distt.-
Rohtas. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-01-2026 Heard Mr. Ashwani Kumar Tiwary, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner is an accused in connection with Sessions Trial No. 380 of 2023 arising out of Chutiya P.S. Case No. 15 of 2017 registered for the offences under sections 376 and 34 of the Indian Penal Code lodged on 20.03.2017 by the informant, Anita Devi.

3. As per the prosecution story, the lady informant who is sister-in-law (bhabhi) of the petitioner has made allegation of rape against him. Accordingly, the FIR.

4. At the outset, learned APP pointed out that the matter is of 2017 and the petitioner chose to come into judicial custody only on 01.04.2023 (as stated in paragraph 16 of the bail application).

5. Learned counsel for the petitioner submits that he has already suffered by being in custody since 01.04.2023, has no



criminal antecedent and though concedes that the trial is at the fag end, he shall be diligently appearing in it.

6. Learned APP opposes the prayer submitting that due to him, the trial was delayed, the matter is of the year 2017.

7. This Court has taken note of the submissions put forward by the parties as also that the occurrence was of the year 2017 whereas in the year 2023, he went into judicial custody and that was the reason for the rejection of the earlier bail application in Cr. Misc. No. 53813 of 2023 on 23.08.2023.

8. The trial has not concluded, he has remained in custody for almost three years, as stated above, an undertaking has been given that he shall be diligently appearing in trial and failure to do so, the State shall be free to take steps for cancellation of bail bond, in that, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 1st District and Additional Sessions Judge, Rohtas at Sasaram, in connection with Sessions Trial No. 380 of 2023 arising out of Chutiya P.S. Case No. 15 of 2017 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document (Aadhar Card/Voter ID/Driving License/Pan Card etc.)
to show his bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every fortnight for next six months to mark his
attendance and at the end of the period a certificate be submitted
before the Trial Court failing which the State shall be at liberty to
take steps for cancellation of bail bonds;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty to
take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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