

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88049 of 2025

Arising Out of PS. Case No.-90 Year-2025 Thana- MAKHDUMPUR District- Jehanabad

Anil Yadav @ Anil Ray Son of Devwali Yadav R/O Village- Champapur, P.S.-
Bakhtiyarpur, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. X X

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 13-05-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection
with Makhdumpur .P.S. Case No. 90 of 2025 registered for the
offence punishable under Sections 70(1) of the BNS.

3. The case of the prosecution, in short, is that
petitioner along with others has committed rape with the
informant.

4. It is submitted by learned counsel for the petitioner
that petitioner is innocent and has committed no offence. He has
been falsely implicated in the present case. Learned counsel for
the petitioner has submitted that during course of investigation,
the victim has given her statement under Sections 183 and 180



of B.N.S.S. wherein she has supported the case of the prosecution. It has further been submitted that in this case, the trial has begun and altogether three witnesses have been examined and that the informant is not coming for the Court to depose. It has further been submitted that in this case, the doctor has been examined as P.W.-2. The doctor has found following injuries :- (i) 2-3 scratch marks on upper part of the right breast, (ii) Bruise on left mid arm approx. 2cm x 1cm and (iii) Bruise on left inner thigh approx. 2cm x 1cm. Though, the Doctor has opined that as the victim was married, there is no apparent sign of recent rape on her genitals. Petitioner is languishing in judicial custody since 15.02.2025.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail. Learned counsel for the informant has submitted that the injuries on the breast and inner thigh goes to show that there was resistance during the act.

6. Learned APP for the State has also relied on a judgment of Hon'ble Apex Court in the case of **X Vs. State of Rajasthan & Anr passed in SLP(Criminal) No. 13378 of 2024** wherein in para- '14', Hon'ble Apex Court has held which is being quoted hereunder:-

14. Ordinarily in serious offences like rape, murder,



dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

7. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for bail stands rejected.

8. However, petitioner may renew his prayer for bail after six months or after examination of the victim/informant if she supports him, whichever is earlier.

(Ashok Kumar Pandey, J)

Lata/-
Nitu/-

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