

In the Court of District & Additional Sessions Judge-I, Darbhanga, Bihar.
ABP No.- 409 of 2026

Ref :- Arising out of Baheri PS Case No.- 391 of 2025, Dated- 26.09.2025, U/s- 64, 115(2), 351(2), 352, 3(5) of the BNS

In the matter of :-

Raja Yadav, Aged about 20 years S/o Bijali Yadav, R/o Village- Amnal Amba, P.S.- Biraul, District- Darbhanga

----- **Petitioner**

Versus.

The State of Bihar ----- **Opposite Party**

Learned counsel for the petitioner : Sri Ramapati Jha, Advocate.

Learned counsel for Opp.Party : Sri Amrendra Narayan Jha, P.P.

Date of order:- 24.03.2026

ORDER

1. The petitioner above named seeks pre-arrest bail in connection with Baheri PS Case No.- 391 of 2025, Dated- 26.09.2025, U/s-64, 115(2), 351(2), 352, 3(5) of the BNS is pending in the court of Ld ACJM-VII, Darbhanga.
2. The prosecution case, in brief, is that approximately one year prior to the institution of the present case, the petitioner allegedly took the victim with him on the pretext of marriage and thereafter established physical relations with her, while repeatedly postponing the marriage on one pretext or another. It is further alleged that on 25.07.2025, the petitioner informed the victim that he was going to his village to convince his parents for marriage, but thereafter neither returned nor responded to the victim's calls. Subsequently, when the victim approached the petitioner's house, it is alleged that the petitioner along with his family members abused and assaulted her.
3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. It is contended that the petitioner has clean antecedents. It is further submitted that both the petitioner and the informant were associated with an orchestra party and a dispute arose between them regarding distribution of income, leading to the lodging of the present case. It is also submitted that a compromise has been arrived at between the parties and a joint compromise petition has been filed; hence, the petitioner deserves the

privilege of anticipatory bail.

4. On the other hand, learned Public Prosecutor vehemently opposes the prayer for bail and submits that the case involves serious allegations under Section 64 of the BNS. It is further contended that it is well settled by the superior courts that compromise between the parties cannot be a ground for granting or refusing bail in cases involving serious offences. Considering the gravity of the allegations, it is argued that the petitioner is not entitled to anticipatory bail.
5. Having considered the rival submissions and the materials available on record, and particularly taking into account the specific and direct allegation of committing rape on the pretext of marriage, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner.
6. Accordingly, the application for anticipatory bail is rejected.

(Dictated)

**District & Addl Sessions Judge-I
Darbhanga.
24.03.2026**

| | |
|--------------------------------|------------------------|
| Date of Order | 24.03.2026 |
| Date of Reserving Order | 24.03.2026 |
| Uploading Date | 26.03.2026 |
| Uploaded by | Pushkar (Stenographer) |