

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I, GAYA
BAIL PETITION No. 427/2026

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Madan Chauhan S/o Late Babulal Chauhan
R/o Raksi, P.S.- Fatehpur, District- Gaya ----- Petitioner

VERSUS

The State of Bihar ----- Opposite Party
=====

01.04.2026

A bail application has been filed on behalf of the above named accused/petitioner, who is in judicial custody since 10.02.2026 in connection with **Fatehpur P.S. Case No. 74/2026**, for the offences registered **U/s. 70(1), 351(1), 351(2) of the BNS, pending in the Court of Ld. CJM, Gaya Ji.**

2. Heard both the sides on the bail application.
3. Learned defence counsel, submitted that prior to this, the petitioner has not filed any regular bail either before this Court or the Hon'ble Patna High Court. It is further submitted that petitioner is innocent, committed no offence and has falsely been implicated in this case. It is further submitted that this case has been lodged by the informant against the petitioner, his brother and his mother as they have not agreed to compromise the earlier case bearing Fatehpur P.S. Case No. 613/2024 which was lodged by the accused petitioner against the informant parties for the offence of murder of his father namely Babu Lal Chauhan. It is further submitted that doctor has opined that there is no evidence of recent sexual intercourse. Lastly he submitted petitioner having no criminal antecedent and he is in judicial custody since 10.02.2026. Hence, it is prayed for grant of bail to the accused petitioner.
4. Per contra the Ld. A.P.P. appeared on behalf of State vehemently opposed the prayer for bail and submitted that the medical report attached with the case diary though opined by the doctor that there is no evidence of recent sexual intercourse but the medical was conducted on 20.02.2026 whereas the occurrence took place on 09.02.2026 i.e. after the lapse of 11 days.

5. Prosecution case, in brief, as per informant is that on 09.02.2026 at about 5.00 A.M. she had gone to attend the call of nature, in the meantime accused petitioner Madan Chauhan and his brother Suresh Chauhan, who were already waiting in ambush, forcibly caught hold of her and Madan Chauhan tied her mouth with Gamchha and dragged her towards the field of wheat and forcibly removed her cloths and raped her one by one. They also threatened her by pointing gun on her temple not to disclose to anyone about this incident, otherwise she would face the dire consequences.

6. Heard both the parties and perused the case record. From perusal, it appears that petitioner is named in the F.I.R. There is direct allegation against the petitioner of committing rape with informant. Vide para 27 of the case diary, Sub-Divisional Police Officer has found case true against the accused petitioner. Statement of victim recorded U/S 180(3) of BNSS by the police in which he alleged the same as alleged in the F.I.R. Allegation against the accused petitioner is serious and grave in nature. Investigation of this case is still going on.

7. Considering the aforesaid facts and circumstances of the case, gravity of offence, the effect of the offence on society and with regard to pending stage of the investigation, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer of bail filed and moved on behalf of the petitioner, above named, is hereby **rejected**.

(Dictated)

Sd/-

(Shashi Kant Ojha)
Addl. Sessions Judge-1, Gaya
01.04.2026