

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34802 of 2015

Arising Out of PS.Case No. -197 Year- 2014 Thana -KHAGARIA District- KHAGARIA

1. Manoj Yadav S/o Bahadur Yadav Resident of Village Mathar, P.S. Khagaria (Muffasil), District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. T.P.Mandal(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-11-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Khagaria (Muffasil) P.S.Case No. 197/2014 (Sessions Case No. 100/2015) for the offences punishable under Section 147, 341, 323, 506, 376, 380 and 365 of the Indian Penal Code, pending in the Court of learned 1st Additional Sessions Judge, Khagaria.

Allegedly, the petitioner and other co-accused, being armed, entered into the house of the informant and co-accused Bhola Yadav committed rape with the informant and this petitioner committed rape with the sister of the informant and further committed theft.

Submission is of false implication in this case, prosecution story appears to be not probable, the petitioner has filed Khagaria (Muffasil) P.S.Case No. 126 of 2014 against the father of the informant and her two brothers and to put pressure the informant lodged the false case. Medical evidence does not support the commission of rape.

Learned A.P.P. opposes the prayer of bail by submitting that there is allegation of committing rape with the sister of the informant and the witnesses have supported the allegation and further the petitioner has got criminal antecedent.

In the facts and circumstances, as stated above, considering that the petitioner has got criminal antecedent and against him there is allegation of committing rape with the sister of the informant and as such this Court is not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner stands rejected.

(Jitendra Mohan Sharma, J)

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