

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35146 of 2015

Arising Out of PS.Case No. -143 Year- 2009 Thana -BELAGANJ District- GAYA

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1. Surendra Yadav S/o Jadunandan @ Jadu Yadav, resident of village - Prem Bigha (Narayanpur), P.S. - Belaganj, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Sujata Sinha

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-11-2015 Heard the learned counsel for the petitioner as well as the learned Special P.P.

The petitioner seeks bail in a case for the offences punishable under sections 376 and 379 of the I.P.C and section 3 (X) of SC/ST Act.

Allegedly, the petitioner forcibly committed rape with the informant, assaulted her and snatched payal and chain.

Submission is of false implication and that the petitioner is co-villager and a married man. He is father of three children but due to oblique motive he has been falsely implicated. Up till now five witnesses have been examined out of which three prosecution witnesses have not supported the occurrence and the victim has stated that at the time of occurrence it was dark night

and as such the petitioner who is suffering in custody since 22.03.2015 deserves sympathetic consideration, to which the learned Special P.P. opposes by submitting that the petitioner committed rape on scheduled caste women forcibly and also after assaulting snatched her ornaments.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, heinous in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Sessions Trial No. 82 of 2013 arising out of Belaganj P.S. Case No. 143 of 2009 pending in the court of Special Judge (SC/ST), Gaya.

Let the trial be expedited as per amended proviso of section 309 Cr.P.C.

(Jitendra Mohan Sharma, J)

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