

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16207 of 2015

Arising Out of PS.Case No. -6 Year- 2014 Thana -MAHILA P.S. District- SEKHPURA

1. Prakash Yadav S/O Late Ragho Yadav, R/o Village- May Amarpur, P.S.- Ariyari, District- Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Nirmal Kumar Sinha(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 12-08-2015 Heard learned counsel for the petitioner and learned A.P.P.for the State.

The petitioner is languishing in custody since 08.11.2014 in connection with Sheikhpura (Mahila) P.S.Case No. 06/2014 registered for the offences punishable under Sections 323, 341, 379, 376 (D), 354, 504, 506/34 of the Indian Penal Code.

The prosecution case is that on 16.01.2014 at 8 P.M. the informant had gone to fetch water from hand pump situated at Samudayik Bhavan. In the meantime, one boy aged about 12 years namely Kato Yadav called her to give milk. Then she proceeded to fetch milk from her house. When she was on way the present petitioner and other co-accused are alleged to have ravished the informant. The co-accused Bachchay Yadav knocked down the victim on the ground. The other co-accused Naresh Yadav is

alleged to have remained standing with a lathi by abusing and threatening in order to prevent other persons from intervening. The other co-accused Tripurari Yadav is alleged to have snatched away some ornaments and mobile of the victim.

Learned counsel for the petitioner claims to be innocent having committed no offence as alleged in the F.I.R. He further submits that there was previous dispute between the parties and the petitioner has been falsely implicated.

Learned counsel for the petitioner submits that three named accused persons have already been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 45561 of 2014 dated 26.11.2014 but since offence as made out against the petitioner is direct and the incident is of 17.01.2014 and the petitioner has been absconding and as per specific allegation of sexual assault against the petitioner, I am not inclined to grant bail to this petitioner.

Accordingly, the bail application stands rejected.

However, the petitioner may renew his prayer after six months.

(Nilu Agrawal, J)

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