

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25381 of 2015

Arising out of PS.Case No. -34 Year- 2014 Thana -MALAYPUR District- JAMUI

Lalan Yadav, son of Shobhan Yadav, resident of village - Dewachak, P.S. Malaypur, District - Munger.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.25506 of 2015

Arising out of PS.Case No. -34 Year- 2014 Thana -MALAYPUR District- JAMUI

Sakendra Yadav, son of Mishri Yadav, resident of village- Dewachak, P.S. Malaypur, District-Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.25381 of 2015)

For the Petitioner : Mr. Prakash Kumar, Advocate.

For the Opposite Party : Mr. Ajit Kumar (App)

(In Cr.Misc. No.25506 of 2015)

For the Petitioner : Mr. Prakash Kumar, Advocate.

For the Opposite Party : Mr. Ajit Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-09-2015 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 03.11.2014 and 07.11.2014 respectively in connection with Malaypur P.S. Case No. 34 of 2014 for the offences instituted under Sections 376(D) of the I.P.C. and 4 of the POSCO Act.

It is alleged that the petitioners forceful committed rape upon the victim girl.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 03.11.2014 and 07.11.2014 respectively and the charge sheet has been submitted in the present case. It is further submitted that the petitioners have falsely been implicated in the present case. Prior to institution of the present case there was a case instituted by aunt of the petitioner Sakendra Yadav. The present case has been instituted in retaliation to the case instituted by the petitioner Sakendra Yadav.

On behalf of the State it has been submitted that there is direct allegation aginat the petitioners for committing rape upon the victim.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners in connection with Malaypur P.S. Case No. 34 of 2014, pending in the court of the learned C.J.M., Jamui. The same is rejected. Anyhow, the court below is directed to take all necessary steps to conclude the trial preferably within a period of six months from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)