

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10370 of 2016

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. Ariayri, Distt. - Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar

For the Opposite Party/s : Mr. Asha Kumari (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-03-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is in custody since 08.11.2014 in connection with Sessions Trial No. 14/2015 arising out of Sheikhpura (Mahila) P.S.Case No. 06/2014 under Sections 323, 341, 379 , 376 (D), 354, 504, 506/34 of the Indian Penal Code.

The learned counsel for the petitioner had earlier approached this Court in Cr. Misc. No. 16207 of 2015 and vide order dated 12.08.2015, his bail application was rejected with a liberty to renew his prayer after six months.

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.

It has been submitted by the learned counsel for the petitioner that the petitioner has no criminal antecedent and is innocent and there was some land dispute going on between the parties, hence, the allegation is false. It has further been submitted that the informant is a lady of 50 years old with three sons and two daughters.

Learned counsel for the petitioner further submits that he is in custody since more than one year and deserves the privilege of bail.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and opposes the prayer for bail.

Be that as it may, the above named petitioner is directed

to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Sheikhpura in Sessions Trial No. 14/2015 arising out of Sheikhpura (Mahila) P.S.Case No. 06/2014.

(Nilu Agrawal, J)

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