

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21602 of 2016

Arising Out of PS.Case No. -74 Year- 2015 Thana -MAHILA PS District- GOPALGANJ

Nageshwar Yadav @ Nageshwar Choudhary, son of Chandrika Yadav @
Chandrika Chaudhary, resident of village-Manikpur Navrang P.S.-
Gopalganj District- Gopalganj Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gajendra Pd. Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 19-05-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with
Gopalganj Mahila P.S. Case No. 74 of 2015 registered under
Sections 376, 511, 354, 341, 323, 448 and 379 read with 34 of
the Indian Penal Code.

It is contended that similarly circumstanced other
co-accused, namely, Mankeshwar Yadav @ Mankeshwar
Choudhary, Manoj Yadav, Munna Yadav and Bullet Yadav @
Bullet Kumar have already been granted anticipatory bail by this
Court vide order dated 11.01.2016. It is further contended that

though the alleged occurrence took place on 1st November, 2015, the FIR was belatedly instituted on 3rd November, 2015.

I find that the case of the petitioner stands on a totally different footing to that of the other co-accused persons who have already been granted anticipatory bail, as there is specific allegation against him that he outraged the modesty of the informant and also tried to rape her.

Regard being had to the totality of the circumstances, the prayer for bail of the petitioner is rejected for the present. However, the petitioner may renew his prayer for bail after the framing of charge before the court below itself.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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