

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9813 of 2016

Arising Out of PS.Case No. -15 Year- 2015 Thana -NIRMALI District- SUPAUL

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Subhash Yadav Son of Nathuni Yadav, Resident of Village - Bela Singar
Moti, Bela Bazar, P.S. - Nirmali, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Ram Shankar Das(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 07-12-2016

Heard learned counsels of the petitioner and
the State.

The petitioner has renewed his prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 376/511, 504, 506 of the Indian Penal Code,
3(1)(ix) of SC/ST (Prevention of Atrocities) Act and Section 8 of
the Protection of Children from Sexual Offences Act.

Earlier the prayer for anticipatory bail of the
petitioner was disposed of by this Court vide order dated
02.07.2015 passed in Cr. Misc. No. 26503 of 2015 with liberty to
the learned court below to consider the prayer for bail of the
petitioner. Now the petitioner has renewed his prayer for
anticipatory bail on the ground that the statement of the informant



was recorded under Section 164 Cr.P.C. where the informant has not alleged any attempt of ravishing rather she only alleged that this petitioner tried to assault her. Moreover, the informant has retracted from the initial version and filed a petition to that effect before the learned court below.

Though, this Court is not inclined to revise the order but, prima facie, the 164 Cr.P.C. statement of the informant does not constitute the offences as alleged in the F.I.R.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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