

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15010 of 2016

Arising Out of PS.Case No. -30 Year- 2015 Thana -CHOUTARWA District- WEST CHAMPARAN
(BETTIAH)

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Paltu Yadav @ Paltan Son of Kedar Yadav R/o village - Laukaria, P.S.
Yogapatti, District - West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. S.N Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-04-2016

Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioner, and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case under
Sections 366(A), 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. Name of the petitioner figured
in the case in the statement of the victim recorded under Section
164 of the Code of Criminal Procedure in which she disclosed that
Lalan Yadav and this petitioner kidnapped her and Lalan Yadav
committed rape with her. Lalan Yadav has already been granted
regular bail vide order passed in Cr. Misc. No. 32968/2015. The
case of the petitioner stands on better footing than that of Lalan
Yadav.

It appears that the allegation of kidnapping is against

the petitioner and since co-accused Lalan Yadav has already been enlarged on regular bail, it is a good ground for grant of regular bail to the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in POCSO Case No. 16 of 2015, arising out of Chautarwa P.S. Case No. 30/2015. Accordingly, the same is rejected.

If the petitioner surrenders in the court below within four weeks from today and make prayer for regular bail, the court below shall consider the prayer for regular bail of the petitioner without being prejudiced by this order and taking into consideration that there is no allegation of rape against the petitioner and Lalan Yadav, against whom there is allegation of rape, has already been enlarged on regular bail and dispose of the Bail Petition of the petitioner preferably on the same day.

Dilip/-

(Prabhat Kumar Jha, J)

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