

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51617 of 2016

Arising Out of PS.Case No. -415 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Yugal Kishore, Son of Upendra Yadav, resident of Village- Bargaon, P.S- Hassanpur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Renuka Sharma, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since 08.09.2016 in connection with Moffasil P.S. Case No. 415/16 for offences punishable under Sections 363, 366, 376/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant is that his sister was found missing from the house since 04.09.2016 and the petitioner used to live in his house on rent from 2011 to 2015. Informant suspected that petitioner is instrumental in taking away his sister.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in



the aforesaid case, in fact, he was the tenant of the informant and the allegation made in the First Information Report has not been corroborated by the victim in her statement under Section 164 Cr.P.C., as she has not alleged of any sexual harassment by the petitioner. He submits that medical report also reveals that the age of the victim is more than 18 years and there is no finding that she has been raped. He further submits that the petitioner has been implicated only on the basis of suspicion with some ulterior motive.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the allegation is not supported by the victim in her statement under Section 164 Cr.P.C. and considering the medical report, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Moffasil P.S. Case No. 415/16.

(Nilu Agrawal, J.)

Rajesh/-

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