

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53001 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -MAHILA P.S. District- ARRARIA

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Prakash Yadav @ Jai Prakash Yadav, Son of Maheshwari Yadav, Resident of Vilage- Bairakh, Ward No.10, Police Station- Raniganj in the district of Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 20.09.2016 in connection with Araria (Mahila) P.S. Case No. 49/16 registered for the offences punishable under Sections 376, 342, 323, 506/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that she being a widow, the petitioner forcibly committed rape on her and made her pregnant.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has falsely been implicated in the aforesaid case as the informant herself has stated that the petitioner has been sexually



assaulting her for last four months, but on medial examination she has been found to have 34 weeks of pregnancy, although she is a widow lady. It is submitted that charge-sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. 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, considering the facts and circumstances and submission of the parties, since charge-sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Araria, in connection with Araria (Mahila) P.S. Case No. 49/16, G.R. No. 2007/16, subject to the condition that one of the bailors would be a close relative and the other bailor would be a person, who has sufficient immovable properties within the jurisdiction of concerned court and that petitioner shall appear before the learned court below as and when required by the court, failure of which will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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