

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41274 of 2015

Arising Out of PS.Case No. -30 Year- 2015 Thana -MAHILA PS District- DARBHANGA

1. Birendra Yadav, S/o- Shri Ram Briksha Yadav R/o- Mohalla-
Belashankar, P.S.- L.N.M.U, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 19-01-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offence
punishable under section 376 (D) of the I.P.C and section 3 (2) (v)
of the Schedule Caste and Schedule Tribes (Prevention of
Atrocities) Act, 1989.

Allegedly, the informant was brought in a room at
patrol pump by the tempo driver where she was gang raped by the
petitioner and other co-accused including the tempo driver.

Submission is of false implication and that the
prosecution story appears not probable and reliable, the doctor
who has examined the victim has not found any positive evidence
of recent sexual intercourse and as such the petitioner who is

suffering in custody since 07.07.2015 deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the independent witnesses during investigation have supported the prosecution version by stating the name of the petitioner also vide paragraphs- 15 and 16 of the case diary and the petitioner is the staff of that patrol pump.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Mahila P.S. Case No. 30 of 2015 pending in the court of S.D.J.M. Darbhanga.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--