

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56251 of 2015

Arising Out of PS.Case No. -92 Year- 2014 Thana -GOH District- AURANGABAD

1. Chandan Yadav @ Chandan Kumar S/o Shiv Sharan Yadav, resident of Village- Bhawanipur, P.S.- Goh, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Anish Chandra(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 09-03-2016 Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 366 (A) and 504/34 of the I.P.C

Allegedly, the petitioner and co-accused Sunil Kumar after giving lift to Rekha Kumari aged 16 years, the daughter of the informant, brought her at Gaya and it was seen by Amrita Kumari. During investigation the victim girl gave her statement before the police under section 161 Cr.P.C. and also her statement was recorded under section 164 Cr.P.C. wherein she has stated that the petitioner and other co-accused committed rape with her.

Submission is of false implication and that from the statement of the victim girl recorded under section 161 Cr.P.C it

appears that she went with co-accused Deonath Kumar from Gaya to Surat and from there she returned and in her statement she has leveled allegation of rape against Deonath Kumar also but in the statement recorded under section 164 Cr.P.C. she has not made allegation of rape against Deonath Kumar and has stated that Deonath Kumar directed her to go to her house as he seated her in a Bus so the statement of the victim girl is not reliable, other co-accused Deonath Kumar has been allowed regular bail and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that against the petitioner there is allegation of kidnapping and also for committing rape and the age of the victim has been found 16-17 years and the doctor has opined that she had undergone sexual act.

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 Goh P.S. Case No. 92 of 2014 pending in the court of S.D.J.M. Daudnagar, District- Aurangabad.

(Jitendra Mohan Sharma, J)

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