

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52564 of 2015

Arising Out of Mahila PS.Case No. -24 Year- 2015 Thana -MAHILA P.S. District- PATNA

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Kailash Prasad @ Kailash Yadav, Son of Late Ram Kishun Yadav @ Ram
Dhani Yadav, resident of Village - Balwapur, P.S. - Rajgir, District -
Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhat Kumar, Advocate.

For the Opposite Party : Mr. Ambika Bhagat (Spl. P.P.)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-03-2016 Heard learned counsel for the petitioner and learned
Special P.P. for the State.

The sole petitioner apprehends his arrest in
connection with Mahila P.S. Case No. 24 of 2015 registered for
the offences punishable under Sections 376 (2G)/34 of the Indian
Penal Code and under Sections 3 (2) (v) SC, ST Act and under
Section 4/6 of POSCO Act, 2012.

The prosecution case is that informant is a student of
class IX at S.S. Girls High School, Barh, was in love with one
Sahil and when her parents came to know about the said love
story, they scolded her, upon which, she left her home and went
to Railway Station, where on seeing her father, she hid herself
outside the railway station and was waiting for an auto rickshaw.
In the meantime an unknown person arrived there and said that he



was a police personnel and his name is Lallan Singh and he is on leave. Thereafter the said Lallan Singh on threat brought her at a room and committed rape on her along with three persons. Thereafter the accused had taken her to the station in the late night and again he raped her in train. Subsequently, the accused stepped down at the Bakhtiyarpur Railway Station on the plea that he is coming back with her clothes and she will be dropped at Fatua. She waited for long then she called her friend and went to Gandhi Maidan and left for Barh alone and on seeing her alone, police brought her to the Mahila Police Station.

It has been submitted by the learned counsel for the petitioner that he is not named in F.I.R., innocent and has no criminal history. It has also been submitted that on the confessional statements of co-accused Manoj Kumar and Umesh Singh, the name of the petitioner has come in the alleged offence. Further more, the counsel for the petitioner submits that there is enmity between Manoj Kumar and the petitioner regarding business. Hence, he has been falsely implicated in the aforesaid case.

However, learned Special P.P. for the state submits that the victim is herself informant and her statement has been taken under Section 164 Cr.P.C. in which, she has alleged that

there were other co-accused with one Lallan Singh although he submits that the petitioner is not named in the F.I.R.

Be that as it may, since the confessional statement of co-accused has no evidentiary value in the eye of law, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st Patna in connection with Mahila P.S. Case No. 24 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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