IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1125 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -ANTICHAK District- BHAGALPUR

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Subodh Yadav @ Subodh Kumar Yadav, son of Radhey Yadav, resident of village-Parsuramchak, P.S. Antichak, District-Bhagalpur.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Pravin Kumar Sinha-Advocate
For the Respondent/s : Mr. Binay Krishna-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

06 28-02-2017 Heard learned counsel for the appellant as well as learned Special Public Prosecutor.

There was an attempt of rape at the end of the appellant and during course thereof, *Sari* of informant stripped at the place of informant. Anyhow, she scared herself while was coming out, an unknown person sprinkled acid causing injuries over the person of the informant as well as appellant. Subsequently, there happens to be presence of father of the appellant at the scene, who forcibly dragged the informant at his place where she was tied, assaulted and then thereafter, released. Anyhow, informant reached at the police station, from there she was sent to hospital.

Apart from referring Annexure-2, Complaint Case, which was filed at the end of father of appellant. Later on, was sent to the local police, it has also been submitted that the

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informant as well as appellant happens to be under sweet relationship and it might be possible that the husband of informant had indulged in such activity. Furthermore, it has also been submitted that the witnesses, who came just after the alleged occurrence did not find her in stripped condition. As such, considering the period of detention in consonance with the fact that appellant himself happens to be one of the victims should be released on bail setting aside the order impugned.

On the other hand, learned Special Public Prosecutor opposed the prayer.

For the present, I do not see it a fit case for grant of bail. Accordingly, instant appeal is rejected.

However, if so advised, may renew his prayer after examination of the informant.

(Aditya Kumar Trivedi, J)

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