

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53955 of 2017

Arising Out of PS.Case No. -813 Year- 2016 Thana -SAHARSA District- SAHARSA

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Rajesh Yadav, Son of Kundan Yadav, Resident of village- Kahra, Ward
No. 6, P.S.- Saharsa, District- Saharsa.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-11-2017 Heard learned counsel for the petitioner.

This is an application for bail in connection with Saharsa
Sadar P.S.Case No. 813 of 2016 registered for the offences
punishable under Sections 363, 366A, 34, 376 and 379 of the
Indian Penal Code.

Allegation against the accused persons, including the
petitioner is of kidnapping and also committing rape upon the
daughter of informant.

Submission of learned counsel for the petitioner is that
the whole prosecution case is false and concocted and, as a matter
of fact, there was love affair between the petitioner and daughter
of informant and she is major but he has falsely been implicated.
Further submission is that statement under Section 164 Cr.P.C. of
the victim has been recorded after three days of occurrence on the



pressure of her family members and further FIR itself shows that she was a consenting party and he is in custody since 28.4.2017.

Heard learned APP and learned counsel for the informant. They have opposed the prayer for bail stating that there is allegation of rape against the petitioner.

Having heard both sides and considering the facts and circumstances of the case, I am not inclined to grant bail to the petitioner at this stage.

However, learned court below is directed to commit the case to the court of sessions within one month and after commitment learned trial court is further directed to expedite the trial. Once evidence of the girl has been adduced, the petitioner will be at liberty to renew his prayer for bail, which will be considered on the basis of materials available on record, including the evidence of victim girl and appropriate order will be passed by learned trial court.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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