

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33071 of 2017

Arising Out of PS.Case No. -227 Year- 2016 Thana -HARLAKHI District- MADHUBANI

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1. SUNIL KUMAR YADAV @ SUNIL YADAV son of Binod Kumar
Yadav, Resident of Village- Kalna, P.S.- Harlakhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Rajesh Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
25.03.2017 in connection with Harlakhi P.S. Case No. 227/2016
for offences punishable under Section 376 of the Indian Penal
Code.

The prosecution case, as lodged by the informant Kiran
Devi, is that while she was working in the field, the petitioner
came and committed rape on her. This information she gave to her
in-laws after returning home.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has



been falsely implicated in the aforesaid case. He submits that the mother of the petitioner had lodged a case against the informant, which is Case No. 04 of 2016 on the date of occurrence i.e. 22.11.2016. He submits that the present case has been lodged after three days and a panchayat was held between the parties, but there was no occasion to hold a panchayat for the said occurrence, which falsifies the prosecution case.

However, learned APP for the State opposes the prayer for bail stating therein that the victim is the informant herself.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Benipatti, Madhubani, in connection with Harlakhi P.S. Case No. 227/2016, subject to the condition that one of the bailors would be the parent of the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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