

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24494 of 2018

Arising Out of PS. Case No.-8 Year-2017 Thana- MAHILA P.S. District- Araria

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Upendra Yadav @ Upendra Kumar Yadav, S/o Baldeo Yadav, R/o Vill.-
Kavilashi, P.S.- Simraha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Narayansingh, Advocate

For the Opposite Party/s : Mr. Sri Indra Kumar Singh (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 26-04-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Araria (Mahila) P.S. Case No. 08 of 2017, registered for the
offence punishable under Section 376 of the Indian Penal Code.

Allegedly, dumb daughter-in-law of the informant
was raped in presence of two children and thereafter the dumb
victim identified the petitioner as rapist and the child also
identified the petitioner.

Submission is of false implication and that earlier
Ant Lal Yadav has lodged Farbesganj (Simraha) P.S. Case No.
111 of 2017 for kidnapping of his minor daughter against the
nephew of the informant and thereafter this case has been



falsely lodged, no such occurrence has taken place, the occurrence is said to be of 28.02.2017 whereas F.I.R. has been lodged on 06.03.2017. The petitioner has got no criminal antecedent and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with Araria (Mahila) P.S. Case No. 08 of 2017, pending in the Court of learned Chief Judicial Magistrate, Araria.

(Jitendra Mohan Sharma, J.)

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