

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7273 of 2019

Arising Out of PS. Case No.-75 Year-2018 Thana- BIRAUL District- Darbhanga

Hukumdev Yadav Son of Pano@Mukuleshwar Yadav@ Pano Yadav Resident
of Village- Kodhali P.S.- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 09-05-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Biraul P.S.Case No.75 of 2018 registered for offences punishable under Sections 366, 341, 323, 307 and 34 of the Indian Penal Code.

Allegation against the petitioner as per FIR is that the petitioner has enticed the sister of the informant and took her to Delhi and thereafter she was sent to the house of the informant and the informant sent her to the house of the petitioner but she was assaulted and thrown away by the petitioner. Thereafter, she she was taken for treatment .

Submission of the learned counsel for the petitioner is that the injuries are simple in nature and the petitioner is a married man.



Heard learned A.P.P. , who has opposed the prayer for bail on the ground that the statement of the girl has been recorded under Section 164 Cr.P.C. in which she has stated that she was enticed by the petitioner and he made physical relationship with her and thereafter sent her to her house and then she was sent back to the house of the petitioner and she was assaulted. No doubt the injuries are simple in nature.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below within a period of six weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned court below on the basis of materials available on the record.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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