

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4566 of 2020

Arising Out of PS. Case No.-187 Year-2018 Thana- MANSI District- Khagaria

CHHABILA YADAV @ KARAN YADAV Son of Kulo Yadav @ Kulo Prasad Yadav Resident of Village- Chukti, P.S.- Mansi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 28-05-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Mansi P.S. Case No. 187 of 2018, disclosing offences punishable under Sections 376, 511, 504 and 506 of the Indian Penal Code.

The victim, who claims to be sixty years old, has alleged in the F.I.R., that on 10.09.2018, when she was returning back to her home at 5.00 p.m., the petitioner attempted to outraged her modesty. It is the petitioner's case that he has been falsely implicated in the criminal case and there is vague allegation of forcibly taking the victim towards the maize field with an intention to commit rape. It is also the petitioner's case that essential ingredients to constitute offence under Section 376 of the Indian Penal Code are completely missing in the F.I.R.



Learned Addl. Public Prosecutor appearing on behalf of the State has opposed the prayer for bail and has submitted that the petitioner is accused in two other cases and therefore, he should not be given the privilege of bail.

On careful perusal of the First Information Report, I find that no offence under Section 376 can be said to be made out. For such occurrence said to have taken place on 11.10.2019, the F.I.R. was registered on 13.09.2018, though the distance of Police Station from the place of occurrence is only 2 kms.

Considering the facts and circumstances, this application is allowed.

Let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 187 of 2018.

(Chakradhari Sharan Singh, J)

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