

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12134 of 2021**

Arising Out of PS. Case No.-80 Year-2019 Thana- KASHICHAK District- Nawada

VIPIN YADAV Son of Rameshwar Yadav Resident of Village - Durgapur,
P.S.- Kashichak, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 28-06-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in Kashichak P.S.
Case no. 80 of 2019 registered for the offence punishable under
section 302, 376 and 511 of the Indian Penal Code.

As per prosecution case, on 21.5.2019 at about 7 p.m.
Bhagni of the informant was cooking food, this petitioner is
said to have come there and carried her in the room and tried to
commit rape upon her. When his Bhagni made protest, this
petitioner is said to have assaulted his Bhagni by sharp cutting
weapon due to which she died on the spot.

It is submitted on behalf of the petitioner that the
informant is not an eye witness to the occurrence and no source



has been disclosed by the informant by which he came to know about the occurrence. Petitioner is own brother of husband of the deceased and due to land dispute, petitioner has been falsely implicated in this case and he is in custody since 29.05.2019.

Learned counsel for the State vehemently opposed the prayer for bail and submitted that there is specific allegation against the petitioner that he tried to commit rape upon the victim and when the victim protested, this petitioner assaulted her with sharp cutting weapon due to which she died on the spot.

Considering the aforesaid facts and nature of the allegation, the prayer for bail of the petitioner is rejected.

However, petitioner is in custody since 29.05.2019, trial court is directed to conclude the trial of the petitioner as early as possible.

(Prabhat Kumar Singh, J)

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