

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20503 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

1. CHHATHU YADAV @ TATU YADAV SON OF SHIV MURAT YADAV
2. AJIT KUMAR @ RAKESH KUMAR YADAV SON OF SHIV SINGH @ SHIV DULAR SINGH
R/O VILLAGE- MADURNI, P.S.- CHAINPUR, DISTRICT- KAIMUR (BHABUA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Adv.
For the Opposite Party/s : Dr. Mritunjay Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 30-09-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376G and other sections of the Indian Penal Code.

As per the prosecution case, when the informant was cutting grass, five accused persons including the two petitioners herein came near them, started to abuse them and forced her friend to run away. It is further stated that accused Dhananjay Yadav started to commit rape. On hulla being raised, three accused persons managed to escape but the petitioners herein were caught.

It is submitted by learned counsel for the petitioners



that the allegations as levelled in the F.I.R. are absolutely false and concocted. The allegation in the F.I.R. is solely against Dhananjay Yadav. However, in course of investigation in her statement under section 164 Cr.P.C., the informant tried to improve upon her case and states that all the five accused persons committed rape on her. It is further submitted that this allegation is not supported from the detailed medical report which has been brought on record as Annexure-2 to the supplementary affidavit wherein no injury has been found on any part of her body. Referring to different aspects of the medical report, it is submitted that it is a clear case of false implication of the petitioner who is in custody since 2.10.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State who submits that not only there is direct allegation against the petitioner in the F.I.R. but the same has been supported by the informant in her statement under section 164 Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the facts of the case including the contents of the F.I.R. and statement under section 164 Cr.P.C.,



the Court is not inclined to enlarge the petitioners on bail and
the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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