

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28723 of 2021**

Arising Out of PS. Case No.-220 Year-2020 Thana- CHANDAUTI District- Gaya

Pappu Yadav Son of Shaligram Yadav Resident of Village- Gajadhar Bigha,
P.S.- Chandauti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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

3 21-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Chandauti P.S. Case No.
220 of 2020, registered for the offence punishable under
Sections 395, 354(A), 354(B) of the Indian Penal Code.

As per the prosecution case, on 16.11.2020 at 7.00 pm
informant along with her friend had gone on a long drive on
motorcycle and reached Gajadhar Bigha by mistake, where 5-6
unknown persons came and obstructed her and her friend and
teased her and removed her Dupatta and snatched mobile,
money and misbehaved with her and tried to press throat of her
friend. In course of conversation of accused persons, informant



listened name of Pappu (petitioner) and Navin. Thereafter, informant and her friend fled away from there.

It is submitted on behalf of the petitioner that petitioner is innocent and has committed no offence and has falsely been implicated in this case. The victim girl in her statement under Section 164 Cr.P.C recorded on 17.11.2020 has supported the prosecution case and in her second statement under Section 164 Cr.P.C. recorded on 19.11.2020 she has improved and developed the prosecution case. She has alleged that this petitioner along with other co-accused committed rape and sexual assault upon her. She has also identified the petitioner in TIP. Medical report does not suggest any external injury on her private parts and assessed her age between 18-19 years. Petitioner is in custody since 19.11.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that victim girl in her statement under Section 164 Cr.P.C has stated that this petitioner along with co-accused committed rape and sexual assault upon her. The doctor has also found sign of sexual intercourse.

Considering the facts aforesaid and the nature of allegation and the fact that victim girl has identified the



petitioner during test identification parade, I am not inclined to
enlarge the petitioner above-named on bail. Accordingly, the
same is rejected.

(Prabhat Kumar Singh, J)

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