

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.442 of 2021

Arising Out of PS. Case No.-339 Year-2020 Thana- SIRDALA District- Nawada

NIRU YADAV Son of Ram Prasad Yadav @ Sira Resident of Village-
Thathora, P.S.- Meskaur, District- Nalanda.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Birendra Kumar
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-08-2021 Heard learned counsel for the appellant and the State
through virtual mode.

The matter relates to grant of anticipatory bail to the appellant in connection with Sirdala (Meskaur) P.S. Case No. 339 of 2020 registered for the offences under Sections 363, 366 of the Indian Penal Code and Sections 3(1)(r)(s)(w) of the SC/ST Act.

Allegedly, the informant's daughter went to take bath on Chapakal but she did not return. It is further alleged that the accused persons took her forcibly towards the east direction.

It has been submitted on behalf of the appellant that the appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. The alleged dated of occurrence is 21-08-2020 and the case has been instituted on 29-08-2020. The delay in instituting the FIR has not been explained by



the prosecution. Due to previous enmity, the present case has been instituted.

On behalf of the State and the counsel for the informant, it is submitted that the appellant is named in the Complaint Case/F.I.R. The victim has been examined u/S 164 of the Cr.P.C. in which, she has alleged that the appellant forcibly made her sit on scooty and, thereafter, the appellant and the co-accused Nitish Kumar made her sit in a train which was going to Kolkata. The co-accused Nitish Kumar is said to have sexually assaulted upon the victim.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the appellant. Accordingly, the prayer for anticipatory bail of the appellant is rejected.

In case the appellant surrenders and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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