

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9940 of 2021

Arising Out of PS. Case No.-280 Year-2020 Thana- KONCH District- Gaya

Chandan Yadav Son of Vijay Yadav R/O Vill.- Garari, P.S.- Konch, Dist.-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Jee Mishra, Adv.
For the Opposite Party/s	:	APP
For the informant	:	Mr. Arya Achint, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-07-2021 Heard learned counsel for the petitioner, learned
A.P.P for the State and learned counsel for the informant
through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Konch P.S. Case no. 280 of 2020 registered under section 376B of the Indian Penal Code, sections 4 and 8 of the POCSO Act and section 3(1)(r)(s)(w) of the SC and ST (Prevention and Atrocities) Act.

As per allegation in the F.I.R., it is stated by the informant that her 16 year old daughter while returning home after attending a birthday party, was gang raped by the three named accused persons including the petitioner herein. In spite of search she was not to be found. On being found, it transpired



that she had locked herself in a room and hung herself.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. For an occurrence alleged to have taken place in the night of 29.9.2020 and 30.9.2020 information was given to the police station on 1.10.2020 at 9.30 pm. Learned counsel for the petitioner further referring in detail to the statements of the witnesses recorded under section 161 Cr.P.C. submits that even the close relatives of the alleged victim/deceased including the informant who happens to be the mother, her grand mother, her sister etc. have not supported the allegations as made in the F.I.R. They have narrated about the victim coming home and sleeping. It is further submitted that the medical report also does not support the allegations of rape. The petitioner is in custody since 5.10.2020, he has no criminal antecedent and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but there is direct allegation against him along with others of having committed gang rape on the daughter of the informant. It is further submitted that the



allegations of rape are supported by the witnesses. Further referring to the postmortem report, it is submitted that the injuries on the body of the deceased caused by hard and blunt force have not been explained by the defense.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the direct allegation against the petitioner in the F.I.R., this Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The petitioner will be at liberty to renew his prayer for bail after six months in case there is no progress in the trial in the learned Court below.

(Partha Sarthy, J)

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