

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69683 of 2019

Arising Out of PS. Case No.-34 Year-2016 Thana- PARBATTa District- Khagaria

SANTOSH KUMAR YADAV @ SANTOSH KUMAR, S/O Umesh Yadav
R/O Village- Salarpur, P.S.- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

9 09-08-2021 Heard Mr. Chandan Kumar Kashyap, learned

advocate for the petitioner and Mr. Anand Kishore

Choudhary, learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Parbatta P. S. Case No. 34 of

2016, dated 20.02.2016, instituted for the offences

under Sections 341, 323, 379, 354, 506, 376 and 34 of

the Indian Penal Code.

It has been alleged in the F.I.R. that the

daughter-in-law and the daughter of the informant were

subjected to sexual misdemeanor by the accused

persons including the petitioner. The specific accusation



of committing rape on the daughter-in-law of the informant is on one Niraj.

However, in the statement recorded under Section 164 Cr.P.C., the daughter-in-law of the informant has taken the name of the petitioner also as having participated in disrobing her.

The learned advocate for the petitioner has submitted that the other accused persons of this case have been granted regular bail and that the petitioner has been falsely implicated, which would be evident from the fact that such an accusation has been levelled against him where he said to have participated in the occurrence along with his own brother and that the father of the petitioner had taken back the land from the family of the informant.

On these grounds, it has been urged that since this is a false implication, the petitioner be given the privilege of anticipatory bail.

Perused the F.I.R. and statement of the victim



recorded under Section 164 Cr.P.C. where the petitioner has been named, though not specifically.

Regard being had to the fact that two of the other accused persons have been granted regular bail, this Court is not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the facts noted above shall be taken into account, and an order shall be passed, without being prejudiced by the fact that the present petition on his behalf has not been entertained by this Court.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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