

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2594 of 2022

Arising Out of PS. Case No.-197 Year-2019 Thana- RAGHUNATHPUR District- Siwan

Raj Kishore Yadav, S/o Shivpujan Yadav, R/o village- Mirjapur, P.S.-
Raghunathpur, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mrs.Kumari Anupam, Advocate
For the Opposite Party/s :		Mr.Kumar Veerendra Narayan,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with S.T. No. 60 of 2020 arising out of
Raghunathpur P.S. Case No. 197 of 2019 registered for the
alleged offences under Sections 363, 366 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner and other
co-accused persons kidnapped the daughter of the informant and
put her in a vehicle and they also assaulted the wife and the
daughter of the informant with butt of rifle. Thereafter, they fled



away from the spot.

Learned senior counsel appearing on behalf of the petitioner submits that the prosecution case is false and fabricated as it is apparent from the F.I.R. The alleged occurrence took place on 14.10.2019 whereas F.I.R. was registered on 16.10.2019 and no reasonable explanation of delay is forthcoming. The name of the petitioner has been dragged in this case due to land dispute and this fact has been admitted by the victim girl in her statement recorded under Section 164 Cr.P.C. In fact, no offence under Section 366 of the Indian Penal Code would be made out against the petitioner because the victim girl is major and she is having love affair with this petitioner for quite long time and there was no chance of any rape or abuse. Learned senior counsel further submits that there is no sign of rape or abuse or either external or internal injuries on the body of the victim. Further, co-accused persons have been granted bail vide order dated 29.09.2022 passed in Cr. Misc. No. 37064 of 2022, and vide order dated 27.01.2022 passed in Cr. Misc. No. 16438 of 2020 by different Coordinate Benches. Vide order dated 16.09.2022 passed in Cr. Misc. No. 31694 of 2022, this court also granted bail to co-accused Sardar Khan. Charge sheet has been submitted in this case and the



petitioner is in custody since 23.10.2019 and the statement of some of the witnesses have been recorded and none of them supported the prosecution case. These witnesses included the informant himself.

Learned APP for the State opposes the prayer for bail of the petitioner. He further submits that the victim girl has specifically named this petitioner who committed rape with her at a number of times. She has also stated that due to land dispute and enmity with the petitioner and other co-accused persons committed wrong act with her.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the statement of the victim lady and which is quite specific against this petitioner for committing rape a number of times with the victim and in the light of serious and grave allegation, I am not inclined to enlarge the petitioner on bail and hence, his prayer for grant of bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same within six months.

(Arun Kumar Jha, J)

Gautam/Daya

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