

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5282 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- KHANPURA District- Samastipur

NATHUNI YADAV Son of Jiya Lal Yadav R/v- Mujari, P.S.- Khanpur,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Swati Mishra, Adv.

For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Khanpur P.S. Case No.212 of 2022, registered for the offence
punishable u/s 341, 323, 324, 506, 376 of the IPC.

As per the prosecution case, the petitioner committed rape
upon the informant on the point of sickle and thereafter on
protest, he threw sickle on her neck, which hit and caused injury
on her face.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to ulterior motive.
No such occurrence, in the manner as alleged, has ever taken
place. It is submitted that the medical board has not found any



sign of sexual assault with the victim. Parties are family members. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that the statement of the victim was recorded u/s 164 Cr.P.C., in which, she has supported the prosecution case.

Having regard to the facts and circumstances of the case and considering the statement of the victim u/s 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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