

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.955 of 2023**

Arising Out of PS. Case No.-3 Year-2018 Thana- KHAJAULI District- Madhubani

Vijay Yadav S/O Late Bhutkun Yadav @ Bhutu Yadav R/V- Sahraul, P.S.-
Benipatti, District- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Pradeep Safi S/O Prikshan Safi R/V- Sukki Dihtol, P.S.- Khajauli, District-
Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash

For the Respondent/s : Mr.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

8 03-08-2023 Heard learned counsel for the appellant and

learned Special P.P for the State.

The appellant has challenged the order dated
20.01.2023 passed by learned 1st Additional Sessions
Judge-cum-Special Judge, Madhubani in connection with
Khajauli P.S. Case No. 03 of 2018 instituted for the
offences punishable under Sections 341, 323, 366(A),
376, 504/34 of the Indian Penal Code and Sections 3(2)
(va), 3(2)(v) of the SC/ST Act whereby his prayer for
being released on bail has been rejected.

It is a case of commission of abduction of the



sister of the informant, committing sexual offence and assaulting her.

It is submitted by learned counsel for the appellant that appellant is innocent and he has falsely been implicated in this case. The appellant is not named in the F.I.R. Nothing has been recovered from the conscious possession of the appellant. For the alleged occurrence of 11.01.2018 the F.I.R. has been registered on 14.01.2018 without explaining the delay. The victim was medically examined wherein no sign or recent sexual assault was found and the age of the victim was also found to be 18 years. The appellant is in custody since 13.09.2022. A statement has been made in para 3 of the petition that appellant has clean antecedent.

In contra, learned Special P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the appellant and submitted that there is specific allegation against the appellant that he kidnapped the victim and committed rape. The victim in



her 164 Cr.P.C statement has also corroborated this fact and alleged that this appellant has kidnapped her and committed rape for about six months without her consent.

Considering the seriousness of the offence, this Court is not inclined to grant privilege of bail to the appellant.

The prayer for grant of bail to the appellant stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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