

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29244 of 2022

Arising Out of PS. Case No.-208 Year-2003 Thana- BIKRAM District- Patna

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YOGENDRA UPADHYAY SON OF LATE BARAT UPADHYAY R/O
VILLAGE- BERAR, P.S.- RANI TALAB (MIKRAM), DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Chandrabhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-02-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offences punishable under Sections 376(2)(g), 302, 201,
506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 20.09.2021 and a person with
clean antecedent and the informant alleges that in his
absence six named accused persons, including the
petitioner, started pelting stones at his house, further all the
accused persons, including the petitioner, committed rape
upon his wife in front of his son and threatened to kill if
they lodged any case against them, it is further alleged that



on the next day also the accused persons, including the petitioner, committed rape upon his wife in front of his son and further strangled her to death and burnt her dead body and threw the same in Sone River.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that the FIR was instituted after four months from the date of occurrence which creates doubt with regard to the veracity of the allegation as alleged in the FIR.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that the son and the father-in-law of the deceased have supported the case of prosecution and allegation of rape and the case is of 2004 and it appears that the petitioner for all this while was absconding as he was taken into custody on 20.09.2021.

Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of bail to the petitioner.

At this stage, the learned counsel for the petitioner submits that the informant along with one more witness has been examined and they have not supported the case of the



prosecution.

In the event, if the trial is not completed with the period of nine months from the date of receipt/production of a copy of this order, the petitioner would be at liberty to renew his prayer for bail.

(Satyavrat Verma, J)

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